

## City of Marquette, MI



### Meeting Agenda City Commission

**Tuesday, May 27, 2025**

**6:00 PM**

**Commission Chambers**

300 West Baraga Ave  
Marquette, Michigan 49855

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#### **Call to Order, Pledge of Allegiance and Roll Call**

#### **Approval of the Agenda**

#### **Announcements**

#### **Boards and Committees**

##### **1. Reappointment(s)**

Madeline Goodman, Arts and Culture Advisory Committee, for a term ending 6-1-2028  
George Patrick, Marquette Area Wastewater Treatment Advisory Board, for a term ending 6-1-2028

**Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.**

#### **Presentation(s)**

##### **2. Recognition of City Retiree - Battalion Chief Brian Talvensaari**

#### **Public Hearing(s)**

##### **3. Public Hearing - Single Lot Special Assessment Roll #592**

##### **4. Consent Agenda - Roll Call Vote**

**4.a.** Approve the minutes of the May 12, 2025 regular Commission meeting

**4.b.** Approve the total bills payable in the amount of \$1,305,542.12

**4.c.** 906 Adventure Team Non-Profit Status - Roll Call Vote

**4.d.** MEDC RAP 2.0 Grant Agreement

**4.e.** Application for License to Use City Property Adjacent to 113 W. Baraga Avenue

**4.f.** Resolutions for Unpaid Stormwater and Unpaid Water and Wastewater - Roll Call Vote

**4.g.** Schedule Public Hearing - Ordinance #25-07 for Land Development Code Amendments

**4.h.** US-41 Hospital Roundabouts - Right-of-Way Conveyance

## **Unfinished Business**

5. Ordinance #25-02: Overnight Occupation of Public Property

## **New Business**

6. Fire Department Community Risk/Standards of Cover/Compensation Study

**Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.**

**Comments from the Commission**

**Comments from the City Manager**

**Adjournment**

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**Kyle Whitney, City Clerk**

*If you require assistance to participate in any meeting, program or activity offered by the City of Marquette, please provide advanced notice to City of Marquette ADA Coordinator Eric Stemen at 906-225-8978 or via email at [estemen@marquettemi.gov](mailto:estemen@marquettemi.gov).*

## City of Marquette, MI

300 West Baraga Avenue  
Marquette, MI 49855

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**Agenda Date: 5/27/2025**

### **Public Hearing(s)**

#### **Public Hearing - Single Lot Special Assessment Roll #592**

#### **BACKGROUND:**

Sec. 40-21 of the Marquette City Code requires that "When an improvement shall have been made by the City upon or in respect to any single premises, the expense of which is chargeable against such premises and the owner thereof under the provisions of this chapter and is not of that class required to be prorated among several lots and parcels of land in a special assessment district, an account of the cost to be charged to the owner shall be reported to the City Treasurer who shall immediately bill the owner, if known."

The City Code further requires that, "When the City Treasurer determines that a number of properties have had outstanding bills for a sufficient time, the Treasurer shall notify the City Assessor who shall prepare a single lot assessment roll, and schedule a public hearing before the City Commission on that roll."

Impacted property owners received notification of the time and place of the hearing in accordance with City Code requirements.

#### **FISCAL EFFECT:**

The unpaid charges reflected on this assessment roll total \$844.80.

#### **RECOMMENDATION:**

Confirm Single Lot Assessment Roll #592, and authorize the Mayor to sign the Warrant.

#### **ALTERNATIVES:**

As determined by the Commission.

#### **ATTACHMENTS:**

Description

- ▣ Single Lot Special Assessment #592
- ▣ Warrant

## CITY OF MARQUETTE - SINGLE LOT SPECIAL ASSESSMENT ROLL #592

| PROPERTY                                                                                          | LEGAL DESCRIPTION                                                                                                                                                                                              | SINGLE LOT SPECIAL ASSESSMENT                                                                   | TOTAL    | INVOICE # |
|---------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|----------|-----------|
| #0191220 - 214 N. Fifth St.<br>Marcus Cook<br>214 N. Fifth St.<br>Marquette, MI 49855             | HARLOW'S ADD. #1 THE N. 30' OF<br>LOT-10 AND THE S. 14' OF LOT-11,<br>BLOCK-12                                                                                                                                 | Unpaid charges for:<br>Mowing Charges<br>plus interest, and special assessment fee              | \$295.00 | 21507     |
| #0300290 - 351 Harrison St.<br>Kasey Hutchinson<br>351 Harrison St.<br>Marquette, MI 49855        | PALMER'S ADD. #1 THAT PART OF<br>LOT-18, LYING N. OF A STRAIGHT<br>LINE EXT. FROM A PT. IN THE E.<br>LINE OF SAID LOT, 88.4' S. OF<br>HARRISON ST. TO A PT. ON THE W.<br>LINE OF SAID LOT 89.5' S. OF HARRISON | Unpaid charges for:<br>Mowing Charges<br>plus interest, and special assessment fee              | \$295.00 | 21383     |
| #0570240 - 2010 W. Ridge St.<br>MM Vending of Marquette Inc.<br>PO Box 427<br>Marquette, MI 49855 | ASSESSOR'S PLAT OF VARVILS<br>ADDITION : LOTS 24 & 25                                                                                                                                                          | Unpaid charges for:<br>Property Transfer Affidavit<br>plus interest, and special assessment fee | \$254.80 | 20536     |

TOTAL SINGLE LOT ASSESSMENT

\$844.80





# WARRANT

## FOR THE COLLECTION OF SPECIAL ASSESSMENT TAXES

### To the Treasurer of the City of Marquette, Michigan:

The Commission of the City of Marquette, Michigan, having on the TWENTY SEVENTH day of MAY 2025 duly completed and confirmed Special Assessment Roll No. 592 hereto annexed, the same being for special assessment taxes covering the total cost of construction of the following described public improvement, to-wit:

2025 SINGLE LOT SPECIAL ASSESSMENT ROLL #592

TOTAL ROLL \$844.80

**You are Hereby Commanded** to collect from the several persons named in said Special Assessment Roll the several sums mentioned in said roll opposite their respective names, together with lawful collection fees, interest and charges, and to hold the same subject to the order of the Commission of said City of Marquette. And in case any person or persons named in assessment roll shall neglect or refuse to pay his said assessment tax, you are hereby authorized and directed to levy said assessment tax and lawful fees, interest and charges, by distress and sale of the goods and chattels of such person or persons.

And you are further commanded to make due returns to the Commission of the said City of Marquette, and for so doing this shall be your sufficient warrant.

**IN WITNESS WHEREOF**, we have hereunto set our hands at the City of Marquette, Marquette County, Michigan this \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_

\_\_\_\_\_  
Jessica Hanley, Mayor

\_\_\_\_\_  
Dulcee Ranta  
Assessor of the City of Marquette, Michigan

**City of Marquette, MI**

300 West Baraga Avenue  
Marquette, MI 49855

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**Agenda Date: 5/27/2025**

**Consent Agenda - Roll Call Vote**

**Approve the minutes of the May 12, 2025 regular Commission meeting**

**ALTERNATIVES:**

As determined by the Commission.

**ATTACHMENTS:**

Description

- ▣ May 12 Minutes



## City of Marquette, MI

300 West Baraga Ave  
Marquette, Michigan 49855

### Meeting Minutes City Commission

Monday, May 12, 2025

6:00 PM

Commission Chambers

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#### Call to Order, Pledge of Allegiance and Roll Call

Present: Davis, Hanley, Larson, Mayer, Ottaway, Schloegel

Absent: Gottlieb

Commissioner Davis moved to excuse Commissioner Gottlieb due to personal reasons, seconded by Commissioner Larson and Carried Unanimously

#### Approval of the Agenda

Mayor Pro Tem Paul Schloegel moved to Approve the agenda as presented, seconded by Commissioner Cody Mayer and Carried Unanimously.

#### Announcements

Mayor Hanley discussed the upcoming bike rodeo, a bike safety event being hosted by the city. She also shared information about a public hearing scheduled during the upcoming Planning Commission meeting, and highlighted the upcoming Ron Katers Garden Week.

#### Boards and Committees

##### 1. Appointment(s)

Eric Paupore, Traffic-Parking Advisory Committee for an unexpired term ending 5-30-25 and the subsequent term ending 5-30-28

Commissioner Michael Larson moved to Approve the appointment as listed, seconded by Commissioner Sally Davis and Carried Unanimously.

#### Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.

Lesley Williams talked about the upcoming shift to solid waste carts, sharing concerns regarding difficulties storing and using the carts during the winter. She said she would like the option to pay to deliver her trash directly to the Waste Management transfer station in the winter, rather than paying the fees associated with the carts.

Bryan French discussed an issue that he has had regarding a mess on his commercial building that he said was related to the operation of a city plow. He said he has had

difficulty getting a response to his concerns and would like someone to follow up with him.

Margaret Brumm discussed several issues that she has identified throughout the city that she would like the city to respond to. She then listed a series of her concerns related to Presque Isle, including the state of Charles Kawbawgam's gravestone and informational sign, a set of stairs on the island and a concern of wildfire risk.

## **Presentation(s)**

### **2. Marquette Area Sister Cities Partnership, by Tristan Luoma**

Tristan Luoma, representing the Marquette Area Sister Cities Partnership, provided the City Commission with an update on the organization's activities. The partnership is a nonprofit organization that supports Marquette's sister city relationships with Higashiomi, Japan, and Kajaani, Finland.

Recent highlights included hosting a delegation from Higashiomi; recognition of Paulette Lindberg, who traveled to Japan and received an award for 45 years of service to the partnership; continued student exchanges between NMU and the Japan Center for Michigan Universities; a delegation visit from Marquette to Kajaani, marking the reactivation of that sister city relationship; and making plans to host a Finnish delegation in Marquette and to also send a Marquette group to Finland in 2026 for Kajaani's 375th anniversary.

Commissioner Davis emphasized the historical importance of the relationship, noting the strength of the relationships and the wide reach of the organization.

### **3. Consent Agenda**

Commissioner Jerney Ottaway moved to Approve the Consent Agenda as written, seconded by Commissioner Michael Larson and Carried Unanimously.

**3.a.** Approve the minutes of the April 28, 2025 regular Commission meeting

**3.b.** Approve the total bills payable in the amount of \$757,619.62

**3.c.** Lease Renewal - Mailer and Insert Machine

**3.d.** Schedule Public Hearing - Single Lot Special Assessment Roll #592

## **New Business**

### **4. Ordinance 25-05: Solid Waste Collection - Roll Call Vote**

Commissioner Michael Larson moved to Approve the adoption of Ordinance 25-05, seconded by Commissioner Jerney Ottaway and Carried Unanimously by Roll Call Vote.

5. Ordinance 25-06: Street Parking Restrictions - Roll Call Vote

Commissioner Jermey Ottaway moved to Approve the adoption of Ordinance 25-06, seconded by Mayor Pro Tem Paul Schloegel and Carried by Roll Call Vote .  
The motion carried 5-1, with Commissioner Mayer voting no.

6. Bike Month Proclamation

Commissioner Michael Larson moved to adopt the Bike Month Proclamation as presented, seconded by Mayor Pro Tem Paul Schloegel and Carried Unanimously.

7. National Public Works Week Proclamation

Mayor Pro Tem Paul Schloegel moved to adopt the National Public Works Week Proclamation, seconded by Commissioner Michael Larson and Carried Unanimously.

8. Marquette Cultural Center and Trailhead - Bid Award and Construction Contract

Commissioner Davis moved to award the bid to Premeau Construction, approve the construction contract in the amount of \$1,024,041, and authorize the Mayor and Clerk to sign it. Commissioner Ottaway seconded, and discussion followed.

The Commission discussed the original bids, which came in high, and talked about the difficulty in approving a project with a budget shortfall.

Staff and Commissioners discussed concerns about the cost of future capital improvements for the building and the potential for unforeseen expenses, but highlighted the fact that the project is supported by more than \$1 million in grant funding.

Following discussion, the Commission voted on the motion, which carried unanimously.

**Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.**

Lesley Williams thanked the Commission for acknowledging her concerns and said she understands that the cart system is part of modernization. She suggested future options for smaller carts moving forward.

Margaret Brumm talked about the danger of wildfires.

**Comments from the Commission**

**Commissioners Mayer, Ottaway, Davis, and Larson** had no comments.

**Mayor Pro Tem Schloegel** talked about how busy the bike path is and asked people to be cautious and aware.

**Mayor Hanley** wished Commissioner Larson an early Happy Birthday.

## Comments from the City Manager

**Deputy City Manager Sean Hobbins** provided an update on the city's active transportation planning efforts. He said planning events are scheduled for May that will include pop-up input sessions around town to gather feedback from pedestrians and cyclists, as well as evening workshops with interactive activities focused on the city's biking and walking infrastructure. More details will be shared in the near future.

**City Manager Karen Kovacs** thanked Bryan French for discussing the difficulty he has been having and said she will get his contact info and follow up. She said that fires and smoking are both banned on Presque Isle and talked about a fire stewardship plan that is reviewed and acted on routinely. She said there is common cleanup and work being done there and said all prior data has indicated that the moisture ratio on the island is at a safe level.

The City Manager then took a moment to recognize the City's public works department, highlighting the dedication and hard work of the staff that keeps the city clean, safe and operational.

## Adjournment

Mayor Hanley adjourned the meeting at 7:05 p.m.

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**Jessica Hanley, Mayor**

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**Kyle Whitney, City Clerk**

***If you require assistance to participate in any meeting, program or activity offered by the City of Marquette, please provide advanced notice to City of Marquette ADA Coordinator Eric Stemen at 906-225-8978 or via email at [estemen@marquettemi.gov](mailto:estemen@marquettemi.gov).***

## City of Marquette, MI

300 West Baraga Avenue  
Marquette, MI 49855

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**Agenda Date: 5/27/2025**

### **Consent Agenda - Roll Call Vote**

#### **906 Adventure Team Non-Profit Status - Roll Call Vote**

##### **BACKGROUND:**

A representative of the 906 Adventure Team recently contacted the City and requested the adoption of a resolution recognizing them as a local non-profit organization. They plan to conduct their first fundraising raffle on September 6, 2026, tickets will be sold throughout the year prior. The Bureau of State Lottery requires the local governing body to first recognize their designation as a non-profit agency. The group has provided the City with a copy of the proposed resolution, a roster of their board of directors, the date of the raffle, confirmation of their IRS 501(c)(3) designation, bylaws and articles of incorporation. Organizations supply this information when asking the Commission for this recognition, in accordance with City Commission Policy 2011-01.

##### **FISCAL EFFECT:**

None to the City.

##### **RECOMMENDATION:**

Adopt the resolution recognizing the 906 Adventure Team as a non-profit organization operating in the community for the purpose of obtaining a charitable gaming license, and authorize the Clerk to sign the resolution.

##### **ALTERNATIVES:**

As determined by the Commission.

##### **ATTACHMENTS:**

Description

- ▣ 906 Adventure Team Letter of Request
- ▣ Resolution





955 N. Lakeshore Blvd.  
Marquette, MI 49855

City of Marquette  
300 W. Baraga Ave.  
Marquette, MI 49855

May 20, 2025

Re: Local Governing Body Resolution for Charitable Gaming Resolution

Dear City Commission of Marquette,

The 906 Adventure Team is requesting a license to conduct a raffle as part of the Gluski Park Capital Campaign. The drawing will take place September 6, 2026 at Basecamp located at 955 N. Lakeshore Blvd. Tickets will be sold throughout the year prior.

Enclosed you will find the Local Governing Body Resolution for Charitable Gaming Licenses, which is required of us by the Charitable Gaming Division.

Thank you for your time and consideration.

Best,

A handwritten signature in black ink, appearing to read 'Todd Poquette', with a long horizontal flourish extending to the right.

Todd Poquette  
906AT Director of Adventure



Charitable Gaming Division  
Box 30023, Lansing, MI 48909  
OVERNIGHT DELIVERY:  
101 E. Hillsdale, Lansing MI 48933  
(517) 335-5780  
www.michigan.gov/cg

## LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL.432.103a(i)(ii))

At a \_\_\_\_\_ meeting of the \_\_\_\_\_  
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by \_\_\_\_\_ on \_\_\_\_\_  
DATE

at \_\_\_\_\_ a.m./p.m. the following resolution was offered:  
TIME

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the request from \_\_\_\_\_ of \_\_\_\_\_,  
NAME OF ORGANIZATION CITY

county of \_\_\_\_\_, asking that they be recognized as a  
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for \_\_\_\_\_.  
APPROVAL/DISAPPROVAL

### APPROVAL

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

### DISAPPROVAL

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the \_\_\_\_\_ at a \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on \_\_\_\_\_.  
DATE

SIGNED: \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE CLERK

PRINTED NAME AND TITLE

ADDRESS

COMPLETION: Required.  
PENALTY: Possible denial of application.

BSL-CG-1153(R4/24)

## City of Marquette, MI

300 West Baraga Avenue  
Marquette, MI 49855

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**Agenda Date: 5/27/2025**

### **Consent Agenda - Roll Call Vote** **MEDC RAP 2.0 Grant Agreement**

#### **BACKGROUND:**

The City of Marquette has been awarded a RAP 2.0 grant, totaling \$583,750 by the Michigan Economic Development Corporation to transform the vacant building located between Father Marquette and Lakeside Lion's Park into the City's Cultural Trailhead and house the Arts and Culture Division of Community Services. This project will create a local and regional destination, while improving walking and wheelchair access to the City's new Cultural Trail, historic downtown, and waterfront. Specifically, funds from this grant will cover interior and exterior renovations of the building including facade and parking improvements, interior offices, meeting spaces, restrooms, electric, plumbing and HVAC improvements.

Staff has paired the Spark Grant with the RAP Grant with different scope items. Spark funding will create a paved spur that connects the trailhead to the City's new Cultural Trail, multi-use pathway and regional trail systems, add an ADA-accessible restroom within the building, reconfigure the parking lot and improve stormwater management, provide a drinking fountain with bottle filler, and introduce some green infrastructure to the park in the form of native plantings.

The grant award is not-to-exceed \$583,750 and cannot be more than 50% of the project costs. The MDNR Spark grant funding and local partners make up the other half of the project funding.

#### **FISCAL EFFECT:**

The City will realize \$583,750 in revenue toward the project costs.

#### **RECOMMENDATION:**

Approve the grant agreement for the Michigan Economic Development Corporation RAP 2.0 grant in the amount of \$583,750 and authorize the Mayor and Clerk sign it.

#### **ALTERNATIVES:**

As determined by the Commission.

#### **ATTACHMENTS:**

Description

- ▣ Grant Agreement

**REVITALIZATION AND PLACEMAKING 2.0 PROGRAM**  
**DIRECT GRANT AGREEMENT**

THIS GRANT AGREEMENT (this “Agreement”), effective as of May 15, 2025 (the “Effective Date”), is between the Michigan Economic Development Corporation (the “MEDC”), whose address is 300 North Washington Square, Lansing, Michigan 48913, and City of Marquette, a Michigan municipality (the “Grantee”), whose address and principal office is 300 West Baraga Avenue, Marquette, Michigan 49855. As used in this Agreement, the MEDC and the Grantee are, individually, a “Party” and, collectively, the “Parties”.

**RECITALS**

A. Pursuant to Section 306 of Public Act 1 of 2023, effective January 31, 2023, the Michigan legislature appropriated One Hundred Million Dollars (\$100,000,000.00) to be deployed by the MEDC for community revitalization and placemaking grants to projects that enable population and tax revenue growth through rehabilitation of vacant and blighted buildings and historic structures, rehabilitation and development of vacant properties, and development of permanent place-based infrastructure associated with social zones and traditional downtowns, outdoor dining, and place-based public spaces.

B. On April 25, 2023, The MEDC created the Revitalization and Placemaking 2.0 Program (the “RAP 2.0 Program” or “Program”) to provide grants for the purpose of administering the appropriated funds totaling One Hundred Million Dollars (\$100,000,000.00).

C. The Grantee submitted to the MEDC an Application for Program assistance dated June 6, 2023.

D. On October 5, 2023, the MEDC approved a grant award to the Grantee in the amount of up to the lesser of: (i) 50% of the Eligible Costs; or (ii) an amount not to exceed Five Hundred Eighty-Three Thousand Seven Hundred Fifty Dollars (\$583,750), to be disbursed under the terms of this Agreement (the “Grant”).

E. The Grantee desires to obtain the Grant to be reimbursed for Eligible Costs expended on a Project related to Revitalization or Placemaking consistent with this Agreement.

In consideration of the mutual duties and obligations of the Parties, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties agree:

**ARTICLE I**

**DEFINITIONS**

**Section 1.1 Defined Terms.** Except as otherwise defined in this Agreement, all capitalized terms in this Agreement shall have the respective meanings set forth on Exhibit A, which contains the defined terms for this Agreement.

**Section 1.2 Construction of Certain Terms.** Unless the context of this Agreement otherwise requires: (i) words of any gender include each other gender; and (ii) words using the singular or plural number also include the plural or singular number.

## **ARTICLE II**

### **GRANT**

**Section 2.1 Grant Commitment.** Subject to the terms and conditions of this Agreement, and in reliance upon the representations and warranties of the Grantee set forth in this Agreement, the MEDC agrees to make, and the Grantee agrees to accept, the Grant.

**Section 2.2 Grant Manager.** The MEDC shall designate a Grant Manager to administer this Agreement and monitor the performance of the Grantee and Grant Disbursements under this Agreement. The Grant Manager may be changed at the discretion of the MEDC. The initial Grant Manager is Madelaine Clapp, whose email address is [clappm1@michigan.org](mailto:clappm1@michigan.org).

**Section 2.3 Key Milestones.** The Grantee agrees to the Key Milestones set forth in Exhibit C. Key Milestone One allows for reimbursement of up to fifty percent (50%) of Eligible Costs submitted, not to exceed fifty percent (50%) of the Maximum Grant. Key Milestone Two allows for reimbursement of up to fifty percent (50%) of Eligible Costs submitted that have not already been reimbursed, not to exceed the remaining amount of the Maximum Grant upon Project completion.

**Section 2.4 Grant Disbursement.** Subject to the terms and conditions of this Agreement, including that the absence of a Default or Event of Default, payment of the Grant by the MEDC shall be made to the Grantee as follows:

(a) **Vendor Registration.** To receive payments under this Agreement, Grantee must register as a vendor with the State. All required payments will be made via electronic funds transfer. The Grantee has registered an account in the name of City of Marquette held at Range Bank, N.A. and account number ending in 5938 into which it will receive payment by EFT. Grantee must register the account at the State Integrated Governmental Management Applications (“SIGMA”) Vendor Self Service (“VSS”) website ([www.michigan.gov/VSSLogin](http://www.michigan.gov/VSSLogin).)

(b) **Reimbursement Request(s).** The Grantee may receive Grant Disbursements to reimburse for Eligible Costs submitted to the Grant Manager in a Reimbursement Request pursuant to this Section 2.4 and the Key Milestones listed in Exhibit C. Grantee may only submit one Reimbursement Request for each Key Milestone.

(i) Grantee may submit a Reimbursement Request to the Grant Manager for Eligible Costs:

(a) of up to fifty percent (50%) of the Eligible Costs submitted, not to exceed fifty percent (50%) of the Maximum Grant for Key Milestone One; and, upon Project completion, up to fifty percent (50%) of Eligible Costs submitted, not to exceed the remaining balance of the Maximum Grant Amount for Key Milestone Two;

(b) if no other Reimbursement Request is pending review or approval by the Grant Manager;



- (c) if the Grantee has not already received reimbursement for those particular Eligible Costs; and
- (d) if, collectively with all previous Grant Disbursements, the Grantee has not received the Maximum Grant.
- (ii) The MEDC's obligation to fund any portion of the Grant during the Term is subject to Grantee's satisfaction of the requirements of the corresponding Key Milestones, and the corresponding approval of the Grant Manager as set forth in Section 2.4(c), each satisfied in chronological order, and Grantee otherwise being in compliance with this Agreement, including, without limitation, satisfaction of all requirements, and approval thereof, of all prior Key Milestones.
- (c) **Grant Manager Review.** The Grant Manager reviews Reimbursement Request(s) and determines Grantee's compliance with the Key Milestones. The Grant Manager shall, within thirty (30) business days of receipt of a Reimbursement Request and accompanying Supporting Documentation, do one or more of the following:
  - (i) request to review Grantee's records, request additional information, or request a site visit, or any combination thereof, all of which shall be determined in the sole discretion of the Grant Manager. The Grantee shall comply with the written request within thirty (30) business days, to the satisfaction of the Grant Manager, or the Grant Manager shall reject the Disbursement Request in the manner provided in Section 2.4(c)(ii).
  - (ii) provide a reason, in writing, for an impending rejection of the Reimbursement Request, which may be based on one or more of the following: (A) the failure of Grantee to demonstrate achievement of the applicable Key Milestone, (B) there is an outstanding Default or Event of Default, or (C) Grantee is otherwise not in compliance with this Agreement, and Grantee shall have thirty (30) business days from the date of the written reason to respond.
  - (iii) approve the Reimbursement Request, provided there is no Default or Event of Default, Grantee is otherwise in compliance with this Agreement, and Grantee has achieved all of its then required Key Milestones to the satisfaction of the Grant Manager.

If after receipt of a Reimbursement Request the Grant Manager requests to review Grantee records, requests additional information or otherwise conducts a site visit, the Grant Manager shall take the action set forth in Section 2.4(c)(ii) or Section 2.4(c)(iii), within an additional thirty (30) business days of the last to occur of: (A) the date the Grantee provides the requested records and requested additional information or (B) the date the Grant Manager completes the site visit.

**Section 2.5 Grantee Duties.** In addition to all other obligations under this Agreement, the Grantee agrees to undertake, perform, and complete all the following activities:

- (a) **Nature of Grant.** The purpose of this Grant is for the Grantee to complete the Project at the Property and Project Site in order to proactively address the

community revitalization needs in its community. This investment will help create the environment necessary to attract and retain talent, add new housing options, and/or enable business creation and attraction through its intended Revitalization or Placemaking purpose.

- (b) **Eligible Costs.** In accordance with the Key Milestones set forth in Exhibit C, Grantee may seek reimbursement for any of the following combination of costs expended by the Grantee directly related to the Project on or after June 30, 2022 through June 30, 2027 (collectively “Eligible Costs”):
- a. **Acquisition.** Acquisition fees or costs for real property;
  - b. **New construction.** Fees or costs for alteration, new construction, improvement, demolition, or rehabilitation of buildings, including utility tap fees, and fees and costs paid to a governmental entity for permits, zoning and inspections, for the Project;
  - c. **Other Alteration or Improvement.** Costs associated with site improvements such as access (including ADA improvements) and streetscaping elements such as lighting, fencing, street furniture, etc.;
  - d. **Site Improvement.** Any fees or costs for site improvements to the Property, including a surface parking lot, parking garage, parking ramp, utilities, and public infrastructure such as roads, curbs, gutters, sidewalks, landscaping, lighting, grading, and land balancing;
  - e. **Machinery and Equipment.** Any fees or cost for the addition of machinery, equipment, or fixtures to the Property;
  - f. **Professional Fees.** Professional fees or costs for the Project for architectural services, engineering services, Phase I environmental site assessment, Phase II environmental site assessment, Baseline Environmental Assessment, or surveying, insurance, accounting and legal; or
  - g. **Developer Fees.** Developer fees not to exceed 4% of total project costs (i.e., the projected total investment identified in Exhibit B).
  - h. **Other Costs.** Any other costs as determined by the Grant Manager.

In no event shall any of the following be considered eligible costs that can be reimbursed under this Agreement: 1) prohibited uses described in this Agreement; 2) expenses that have been or will be reimbursed under any other MSF, State, MEDC, or federal program or agreement; and/or 3) costs related to any of the following that were not identified, or described, in Grantee’s Application: 1) residential units with a lease term of less than 30 days; 2) residential units identified as a hotel space; and/or 3) residential units identified as a short-term rental (or any other similar terminology).

The total projected Eligible Costs associated with the Project is identified in Exhibit B.

- (c) **Reporting Requirements.** The Grantee shall provide all necessary reporting documentation in form and substance as required by the Grant Manager, all to the satisfaction of the Grant Manager. Grantee shall provide, no later than October 1 each year through the Term, the following information related to the Project (the “Progress Report”):
- a. the amount of financial support other than State resources;

- b. a narrative and spreadsheet of Eligible Costs expended during the reporting period;
  - c. the actual amount of private investment attracted to the Project;
  - d. the total actual amount of square footage revitalized or added by the Project. The square footage must be reported by category, including, but not limited to, commercial, residential, retail, or public space (and if applicable, the actual number of residential units revitalized or added by the Project); and
  - e. the total actual number of residential units revitalized or added by the Project.
- (d) **Property Conditions**. The Grantee shall, through the Term and subject to the applicable Cure Periods, ensure the following circumstances do not arise as they relate to the Property and Project:
- a. The taking via condemnation or similar governmental action of all or a substantial part of the Property or Project, which taking has a material adverse effect on the development of the Project or the use of the Property or Project for the intended purpose of Revitalization or Placemaking;
  - b. any unappealable or irrevocable action taken by any governmental authority that would materially and adversely affect timely progression of work or development of the Project as required by the Key Milestones or the use of the Property or Project for the intended purpose of Revitalization or Placemaking;
  - c. the institution of, or any agreement in lieu of, a foreclosure action against the Property or the Project or any part thereof and failure of Grantee to cause such action to be terminated within thirty (30) calendar days of its institution;
  - d. the institution of any proceeding, or agreement in lieu of, seeking a termination of the Grantee's interest in the Property;
  - e. the Grantee is in default, violation, breach, or non-compliance, of any kind or nature under any: (i) agreement or requirement, including submission of reports, with the MEDC, or for any department or agency within the State (including without limitation, the Department of Licensing and Regulatory Affairs, the Department of Environmental Quality, the Department of Treasury, the MSF (including as successor in interest to the former Michigan Economic Growth Authority), the State Historic Preservation Office (or any successors or assigns to any of the foregoing)); (ii) applicable federal secretary of the interior's standards for rehabilitation and guidelines for rehabilitating historic buildings, 36 CFR 67; or (iii) any agreement with any person or entity, which violation, default, breach, or non-compliance has a material adverse effect on the development of the Project or the use of the Property or Project for the intended purpose of Revitalization or Placemaking, in each case which is not cured by the Grantee to the satisfaction of the Grant Manager within ten (10) business days after written notice thereof by the Grant Manager or within such longer period of time as determined in the sole discretion, and pursuant to the written notice, of the Grant Manager (applicable Cure Period);.
  - f. any involuntary bankruptcy or insolvency proceedings are commenced against the Grantee, which proceedings are not set aside within sixty (60) calendar days from the date of institution thereof;
  - g. the filing of a claim of lien against the Property that is not resolved to the MEDC's satisfaction;
  - h. If there is a failure of physical work on the Property for the development of the Project as contemplated by this Agreement for a period of thirty (30) consecutive calendar days, which failure is not cured by the Grantee to the



satisfaction of the Grant Manager within ten (10) business days after written notice thereof by the Grant Manager, or within such longer period of time as determined in writing and at the sole discretion of the Grant Manager (applicable Cure Period).

- (e) **Sampling**. The MEDC reserves the right to sample from Grantee any documentation used in relation to fulfilling its obligations under this Agreement, including, but not limited to, ancillary documentation used to support a Disbursement Request.

### **ARTICLE III**

#### **REPRESENTATIONS AND COVENANTS OF THE GRANTEE**

The Grantee represents and warrants to the MEDC from the Effective Date through the Term:

**Section 3.1 Organization**. The Grantee is duly organized, validly existing, and otherwise in good standing in the State, and has the power and authority to enter into and perform its obligations under this Agreement.

**Section 3.2 Grantee Authority**. The execution, delivery and performance by the Grantee of this Agreement has been duly authorized and approved by all necessary and proper action on the part of the Grantee and will not violate any provision of law, or result in the breach, be a default of, or require any further consent under any of the Grantee's organizational and governing documents; or any agreement or instrument to which the Grantee is a party, or by which the Grantee or its property may be bound or affected. This Agreement is valid, binding, and enforceable in accordance with its terms, except as limited by applicable bankruptcy, insolvency, moratorium, reorganization or other laws or principles of equity affecting the enforcement of creditors' rights generally or by general principles of equity.

**Section 3.3 Consent**. Except as has been disclosed in writing to the MEDC, no consent or approval is necessary from any governmental or other entity, except the MEDC, as a condition to the execution and delivery of this Agreement by the Grantee or the performance of any of its obligations under this Agreement.

**Section 3.4 Full Disclosure**. Neither this Agreement, the Application, nor any written statements or certificates furnished by the Grantee to the MEDC in connection with the making of the Grant and Agreement contain, or shall contain, any untrue statement of material fact, or to the best of the Grantee's knowledge, omit or shall omit, a fact, necessary to make the statement true. There are no undisclosed facts, which materially adversely affect or, to the best of the Grantee's knowledge, are reasonably likely to materially adversely affect the ability of the Grantee to perform its obligations under this Agreement.

**Section 3.5 Litigation or Other Proceedings**. To the knowledge of the Grantee, there are no suits or proceedings pending or, to the knowledge of the Grantee, threatened by or before any court, governmental commission, board, bureau, or other administrative agency or tribunal, which, if resolved against the Grantee, would have a material adverse effect on the financial condition or business of the Grantee or impair the Grantee's ability to perform its obligations under the Agreement.

**Section 3.6 Compliance with Laws or Contracts.** To its knowledge, the Grantee is not and will not during the Term be in material violation of any laws, ordinances, regulations, rules, orders, judgments, decrees or other requirements imposed by any governmental authority, or be in material violation under any contracts, or other requirements for the Project, to which it is subject, and will not knowingly fail to obtain any licenses, permits or other governmental authorizations necessary to the ownership of its properties or to the conduct of its business, which violation or failure to obtain are reasonably likely to materially and adversely affect its business, profits, properties or condition (financial or otherwise), or impair the Grantee's ability to perform its obligations under this Agreement.

**Section 3.7 Use of Grant Disbursements.**

(a) The Grantee shall not use any Grant Disbursements for the development of a stadium or arena for use by a professional sports team or development of a casino or property associated or affiliated with the operation of a casino, or to induce the Grantee, a qualified business, or small business to leave the State of Michigan, or to contribute to the violation of internationally recognized workers' rights, of workers in a country other than the US, or to fund an entity incorporated in a tax haven country.

(b) The Grantee shall not use any Grant Disbursement to commit to, or pay, any indemnification claim by any party, whether such claims are permitted or otherwise required to be paid as a part of any otherwise Eligible Expense, or under any contract or other agreement to which the Grantee is party or may otherwise be liable thereunder.

Notwithstanding anything to the contrary, this Section 3.7 shall survive indefinitely.

**Section 3.8 Criminal or Civil Matters.** The Grantee affirms that to the best of its knowledge that it: (i) does not have any criminal convictions incident to the application for or performance of a state contract or subcontract; and (ii) does not have any criminal convictions or have not been held liable in a civil proceeding, that negatively reflects on the person's business integrity, based on a finding of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or violation of state or federal antitrust statutes.

**Section 3.9 Conflict of Interest.** The Grantee affirms that neither the Grantee nor its Affiliates or their employees has, shall have, or shall acquire any contractual, financial business, or other interest, direct or indirect, that would conflict in any manner with Grantee's performance of its obligations under this Agreement or otherwise create the appearance of impropriety with respect to this Agreement.

The Grantee further affirms that neither Grantee nor any affiliates or their employees has accepted or shall accept anything of value based on an understanding that the actions of the Grantee or its Affiliates or either's employees on behalf of the MEDC would be influenced. Grantee shall not attempt to influence any MEDC employee by the direct or indirect offer of anything of value. Grantee also affirms that neither Grantee, nor its Affiliates or their employees has paid or agreed to pay any person, other than bona fide employees and consultants working solely for Grantee or its Affiliate, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the execution of this Agreement.

In the event of change in either the interests or services under this Agreement, Grantee will inform the MEDC regarding possible conflicts of interest which may arise as a result of such change. Grantee agrees that conflicts of interest shall be resolved to the MEDC's satisfaction or the MEDC may terminate this Agreement. As used in this Paragraph, "conflict of interest" shall include, but not be limited to, conflicts of interest that are defined under the laws of the State of Michigan.

**Section 3.10 Taxes.** To the extent applicable, the Grantee is current, under an approved payment plan, or otherwise contesting in good faith, all federal, State of Michigan, local and real estate taxes. Unless contested in good faith and discharged by appropriate proceedings, or under an approved payment plan, the Grantee shall, through the Term, promptly pay and discharge all such taxes, any assessments, and any governmental charges lawfully levied or imposed upon it (in each case, before they become delinquent and before penalties accrue).

**Section 3.11 Change of Legal Status.** The Grantee shall (a) give the MEDC written notice of any change in its name, its state organizational identification number, if it has one, its type of organization, its jurisdiction of organization, and (b) not make any change in its legal structure that would, as a matter of law, affect its surviving obligations under this Agreement, without the prior written consent of the MEDC, which consent shall not be unreasonably withheld.

**Section 3.12 Use of Grant Funds.** The Grantee shall use all Grant funds only as permitted under this Agreement.

**Section 3.13 Key Milestones.** The Grantee agrees to the Key Milestones set forth in Exhibit C. The Grant Manager determines compliance with Key Milestones.

**Section 3.14 Project Completion.** The Grantee shall complete the Project at the Project Site in accordance with this Agreement.

**Section 3.15 Sale of Property.** The Grantee shall obtain the written consent of the MEDC prior to any sale of the Property and/or Project Site; and, after such consent, shall include provisions in any purchase contract that the purchaser be bound by all obligations of this Agreement including, but not limited to, all reporting requirements.

**Section 3.16 Site Plan/Construction Drawings.** No portion of the Site Plan or Construction Drawings, as applicable, to the Property shall be materially changed without the prior written approval of the Grant Manager.

**Section 3.17 MEDC Required Terms.** The Grantee shall comply with the representations, warranties, and obligations as required and set forth in Exhibit D.

**Section 3.18 Ownership and Possession.** The Grantee affirms it has Site Control of the Property through either a recorded deed or a written lease agreement (as further described in Exhibit B) and, subject to Section 3.15, shall maintain Site Control.

## **ARTICLE IV**

### **REPRESENTATIONS AND COVENANTS OF THE MEDC**

The MEDC represents and warrants to the Grantee:

**Section 4.1 Organization.** The MEDC is a public body corporate. The MEDC has the power and authority to enter into and perform its obligations under this Agreement.

**Section 4.2 Consent.** Except as disclosed in writing to the Grantee or as otherwise provided by law, no consent or approval is necessary from any governmental authority as a condition to the execution and delivery of this Agreement by the MEDC or the performance of any of its obligations under this Agreement. This Agreement is valid, binding, and enforceable in accordance with its terms, except as limited by applicable bankruptcy, insolvency, moratorium, reorganization or other laws or principles of equity affecting the enforcement of creditors' rights generally or by general principles of equity.

## **ARTICLE V**

### **DEFAULT AND REMEDIES**

**Section 5.1 Events of Default.** The occurrence of any one or more of the following events or conditions shall constitute an "Event of Default" under this Agreement, unless a written waiver of the Event of Default, or written forbearance, is signed by the MEDC:

- (a) any representation made by the Grantee which is incorrect in any material respect, including, but not limited to, any representation or warranty provided in this Agreement, including Article III, any information provided in the Application, or any information provided in support of a Reimbursement Request;
- (b) any material breach by the Grantee of an obligation of the Grantee under this Agreement, including failure to submit a Progress Report when due, which is not cured by the Grantee to the reasonable satisfaction of the Grant Manager within ten (10) business days after written notice thereof by the Grant Manager or within such longer periods of time as indicated in this Agreement, or determined in writing and at the sole discretion of the Grant Manager (applicable "Cure Period");
- (c) the Grantee's failure to timely meet any of the Key Milestones by the applicable date for such Key Milestone as set forth in Exhibit C, which failure is not cured by the Grantee to the satisfaction of the Grant Manager within ten (10) business days after written notice thereof by the Grant Manager, or within such longer period of time as determined in writing and at the sole discretion of the Grant Manager;
- (d) the Grantee's use of Grant funds for any purpose that is not an Eligible Cost;
- (e) the Grantee's breach of any Property Condition.

**Section 5.2 Available Remedies.** Upon the occurrence, and during the continuance, of a Default or Event of Default under this Agreement:

- (a) The MEDC may immediately and without prior notice discontinue making any Grant Disbursement to the Grantee.
- (b) The MEDC may immediately, after expiration of any applicable Cure Period without a cure, terminate this Agreement upon written notice of the MEDC.
- (c) After the expiration of any applicable Cure Period without a cure, the Grantee shall repay to the MEDC all previous Grant Disbursements made to the Grantee.

Any amounts due to the MEDC under this Section 5.2 must be paid within 90 days of notification by the MEDC and are subject to interest at a rate of one percent (1%) per month, prorated on a daily basis, beginning on the ninety-first (91st) day of nonpayment of any amounts owed to the MEDC and continuing until all funds owed under this Agreement are paid in full to the MEDC.

(d) All payments by the Grantee shall be applied: (i) first to reimburse permitted costs and expenses; then (ii) to satisfy outstanding interest; then (iv) to satisfy any and all other outstanding amounts owed to the MEDC.

(e) Notwithstanding anything to the contrary, the MEDC reserves the right to require the Grantee to pay the highest amount resulting from one or more of the same circumstances which give rise to more than one Event of Default; provided however, except as to any interest, costs and expenses as provided by this Agreement, in no event shall the Grantee be required to repay the MEDC any amount in excess of Grant Disbursements received by the Grantee.

(f) No remedy described in this Agreement is intended to be the sole and exclusive remedy available to the MEDC, and each remedy shall be cumulative and in addition to every other provision or remedy given herein or now or hereafter existing at law, in equity, by statute or otherwise. The Grantee shall also pay all costs and expenses, including, without limitation, reasonable attorney's fees and expenses incurred by the MEDC in successfully collecting any sums due the MEDC under this Agreement, in enforcing any of its rights under this Agreement, or in exercising any remedies available to the MEDC.

**Section 5.3 Other Suspension.** In the event the MEDC becomes aware of a Default, the MEDC may immediately and without prior notice suspend making any Grant Disbursements, until such time the MEDC is satisfied otherwise. The Grantee shall cooperate upon the request of the Grant Manager to provide additional information regarding the aforementioned event or circumstance.

**Section 5.4 Progress Report Penalty.** For each instance through the Term of the Grant in which the Grantee fails to submit a Progress Report when due, which Progress Report is not provided by the Grantee to the satisfaction of the Grant Manager within ten (10) business

days after written notice thereof by the Grant Manager (or within such longer period of time as determined in writing and at the sole discretion of the Grant Manager), a penalty is due to the MEDC from the Grantee in the principal amount of Five Thousand Dollars (\$5,000) (the “Progress Report Penalty”), and the Grantee shall immediately remit payment of the Progress Report Penalty to the MEDC.

## **ARTICLE VI**

### **MISCELLANEOUS**

**Section 6.1 Notice.** Any notice or other communication under this Agreement shall be in writing and sent by e-mail, or fax, or first-class mail, postage prepaid, or by courier to the respective Party at the address listed at the beginning of this Agreement or such other last known addresses, fax numbers or e-mail accounts, and shall be deemed delivered: (i) one business day after an e-mail, fax, or courier delivery or (ii) two business days after a mailing date.

**Section 6.2 Entire Agreement.** This Agreement, together with the Exhibits, sets forth the entire agreement of the Parties with respect to the subject matter, and supersedes all prior agreements, understandings, and communications, whether written or oral, with respect to the subject matter of this Agreement.

**Section 6.3 Counterparts; Facsimile/Pdf Signatures.** This Agreement may be signed in counterparts and delivered by fax or in .pdf form or other electronic format, and in any such circumstances, shall be considered one document and an original for all purposes.

**Section 6.4 Severability.** All the clauses of this Agreement are distinct and severable and, if any clause shall be deemed illegal, void, or unenforceable, it shall not affect the validity, legality, or enforceability of any other clause or provision of this Agreement. To the extent possible, the illegal, void, or unenforceable provision shall be revised to the extent required to render the Agreement enforceable and valid, and to the fullest extent possible, the rights and responsibilities of the Parties shall be interpreted and enforced to preserve the Agreement and the intent of the Parties. Provided, if application of this section should materially and adversely alter or affect a Party’s rights or obligations under this Agreement, the Parties agree to negotiate in good faith to develop a structure that is as nearly the same structure as the original Agreement (as may be amended from time to time) without regard to such invalidity, illegality, or unenforceability.

**Section 6.5 Captions.** The captions or headings in this Agreement are for convenience only and in no way define, limit, or describe the scope or intent of any provisions or sections of this Agreement.

**Section 6.6 Governing Law.** This Agreement is a contract made under the laws of the State, and for all purposes shall be governed by, and construed in accordance with, the laws of the State of Michigan.

**Section 6.7 Relationship between Parties.** The Grantee and its officers, agents and employees shall not describe or represent themselves as agents of the State, the MSF, or the MEDC to any individual person, firm, or entity for any purpose.

**Section 6.8. Successors and Assigns.** The MEDC may at any time assign its rights in this Agreement. The Grantee may not assign any of its rights or obligations under this Agreement without the prior written approval of the MEDC. This Agreement shall be binding upon and inure to the benefit of the Parties and their respective permitted successors and permitted assigns.

**Section 6.9 Waiver.** A failure or delay in exercising any right under this Agreement will not be presumed to operate as a waiver unless otherwise stated in this Agreement, and a single or partial exercise of any right will not be presumed to preclude any subsequent or further exercise of that right or the exercise of any other right.

**Section 6.10 Termination of Agreement.** Except as to terms of this Article VI and Exhibit A, which shall survive indefinitely, and any provisions requiring repayment, which shall survive until all amounts due are paid in full, and except as to other terms and conditions which shall survive as provided in this Agreement, this Agreement shall terminate at the end of the Term. Provided however, any claims arising out of an Event of Default which event occurred during the Term shall be brought within seven (7) years after the end of the Term of the Grant.

**Section 6.11 Amendment.** This Agreement may not be modified or amended except pursuant to a written instrument signed by both Parties.

**Section 6.12 Publicity.** At the request of the MEDC, the Grantee will cooperate with the MEDC to promote the Project through one or more of the placement of a sign, plaque, media coverage or other public presentation acceptable to the Parties.

**Section 6.13 Images.** At the request of the MEDC, the Grantee will cooperate in providing high-resolution images of the completed Project with the preferred format: 300dpi, at least 5000 pixels WxH in either raw file or high-resolution JPG format and hereby grants the MEDC a license to use said images in materials presented to the public.

**Section 6.14 Cooperation by the Parties.** The Parties will cooperate and communicate with one another and use all reasonable efforts to cause the fulfillment of the intents and purposes of the Program and this Agreement.

(SIGNATURE PAGE FOLLOWS)

The Parties have executed this Agreement effective on the Effective Date.

The signatories below warrant they are empowered to enter into this Agreement.

**CITY OF MARQUETTE**

---

Jessica Hanley  
Mayor

---

Kyle Whitney  
City Clerk

**MICHIGAN ECONOMIC DEVELOPMENT CORPORATION**

---

Linda Asciutto  
Chief General Counsel



## EXHIBIT A

### DEFINED TERMS

- (a) **Act** means the Michigan Strategic Fund Act, MCL 125.2001 et seq., as amended, and Section 306 of Public Act 1 of 2023, which authorizes the creation and operation of the Program.
- (b) **Agreement** means this Agreement, including the Exhibits to this Agreement.
- (c) **Application** means the application for Revitalization and Placemaking 2.0 Program assistance, dated June 6, 2023, submitted by the Grantee to the MEDC.
- (d) **Construction Drawings** means the construction drawings related to the Project, as further described in Exhibit B.
- (e) **Cure Periods** means those particular time periods identified in the Agreement that Grantee has to cure a Default or Event of Default, as applicable.
- (f) **Default** means an event which, with the giving of notice or passage of time or both, would constitute an Event of Default.
- (g) **Effective Date** has the meaning set forth in the preamble.
- (h) **Eligible Costs** has the meaning set forth in Section 2.5(b).
- (i) **Event of Default** means any one or more of those events described in Section 5.1.
- (j) **Exhibit** means each of the documents or instruments attached to this Agreement.
- (k) **Grant** has the meaning set forth in Recital D.
- (l) **Grantee** means the entity as identified in the preamble.
- (m) **Grant Disbursement(s)** means Grant funds paid to the Grantee by the MEDC under this Agreement.
- (n) **Grant Disbursement Request** “or **Reimbursement Request**” means a written request from Grantee for a Grant Disbursement in support of the applicable Key Milestone, in the form and substance set forth in Exhibit E.
- (o) **Grant Manager** means that individual person designated by the MEDC to provide administrative services for this Agreement.
- (p) **Indemnified Persons** has the meaning set forth in Section D.6.
- (q) **Key Milestones** or **Milestones** means those major Project achievements as described in Exhibit C.
- (r) **Lease** has the meaning set forth in Exhibit B.
- (s) **Maximum Grant** means the lesser of: (i) 50% of the Eligible Costs; or (ii) Five Hundred Eighty-Three Thousand Seven Hundred Fifty Dollars (\$583,750).
- (t) **MEDC** has the meaning set forth in the preamble.
- (u) **Party** or **Parties** has the meaning set forth in the preamble.
- (v) **Progress Report** has the meaning set forth in Section 2.5(c).

- (w) **“Project”** means the project identified in Grantee’s Application, as further described in Exhibit B.
- (x) **“Project Site”** means the legal description of the Property related to the Project, as identified in Exhibit B.
- (y) **“Property”** means the real property where the Project is completed. The physical address of the Property is identified in Exhibit B.
- (z) **“RAP 2.0 Program”** or **“Program”** has the meaning set forth in Recital B.
- (aa) **“Revitalization or Placemaking”** means the Project’s purpose is for any one of the following: rehabilitation of vacant and blighted buildings and historic structures, rehabilitation and development of vacant properties, and/or development of permanent place-based infrastructure.
- (bb) **“Site Control”** means the Grantee has rightful possession of the entire Property and Project Site related to the Project, as further affirmed in Section 3.18 and identified in Exhibit B.
- (cc) **“Site Plan”** has the meaning set forth in Exhibit B.
- (dd) **“State”** means the State of Michigan.
- (ee) **“Supporting Documentation”** means such documentation that may be provided to, or requested by, the Grant Manager to support a Reimbursement Request pursuant to the Key Milestones.
- (ff) **“Term”** or **“Term of the Grant”** means from the Effective Date and, unless earlier terminated as provided by this Agreement, through November 10, 2027.

**EXHIBIT B****DESCRIPTION OF PROJECT**

|                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Common name of Project                | Transforming Blight into Vibrant Public Space for the Arts, Recreation and sustainable Downtown Development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Projected Total Investment            | The Grantee plans to make a total investment of approximately \$1,167,500 to the Project.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Projected Total Eligible Costs        | \$1,109,500                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Property Description (Common Address) | The Property is commonly known as 501 South Front Street, Marquette, Michigan 49855.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Project Description                   | To repurpose approximately 2,528 square feet of public and municipality building space. Including new exterior facades, interior upgrades and ADA compliance upgrades.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Legal Description (Project Site)      | <p>The Property and Project Site is legally described as:</p> <p>Commencing at the Quarter Corner common to said Section 23 and Section 26; thence S89°16'21"E along the easterly extension of the section line common to said sections 598.19 feet; thence N00°43'39"E perpendicular to said section line 1602.56 feet to the westerly Right of Way (R.O.W.) Lakeshore Boulevard as recorded in Document 2005R-05456 at the Marquette County Register of Deeds and the Point of Beginning.</p> <p>Thence N06°00'27"E along said R.O.W. a distance of 278.42 feet; thence northerly along said R.O.W. and a curve to the right 124.10 feet, said curve having a radius of 1033.00 feet and a delta of 06°53'00", the chord of which bears N09°26'57"E a distance of 124.02 feet; thence S58°59'05"W 50.78 feet; thence N31°12'45"W 133.06 feet to the southerly R.O.W. of Baraga Avenue; thence N77°36'40"W along said Baraga Avenue R.O.W. a distance of 28.53 feet to the easterly R.O.W. of Front Street; thence S12°29'09"W along said Front Street R.O.W. a distance of 661.89 feet; thence S77°32'46"E 13.41 feet to a point on the north line of a parcel as recorded in Document 2008R10090; thence S77°31'36"E along said north line 36.59 feet; thence N36°55'39"E along said north line 72.50 feet; thence N29°11'02"E along said north line 104.40 feet; thence N23°47'43"E along said north line 25.55 feet; thence S83°59'33"E along said north line 80.77 feet to the Point of Beginning.</p> <p>The above-described parcel contains 2.06 acres, more or less.</p> |
| Site Plan or Construction Drawings    | <p>"Construction Drawings" means the graphic representation of the proposed design for the Eligible Costs prepared on January 22, 2025, by Locus Architecture.</p> <p>"Site Plan" means N/A.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Site Control                          | Certify to Option 1:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

|  |                                                                                                                                                                                                                                                                                                      |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <ol style="list-style-type: none"><li>1. The Grantee is the fee owner of the Property; the Grantee currently has rightful possession to all of the Property, has the right to develop the Project on all of the Property, and shall until the end of the Term.</li><li>2. Lease means N/A.</li></ol> |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**EXHIBIT C**  
**KEY MILESTONES**

**\*Subject to the terms and conditions of the Agreement, including the terms and conditions of Section 2.4 of the Agreement which include the required submission of a Reimbursement Request, the following Grant Disbursements may be requested by the Grantee:**

**Key Milestone One:**

**Grant Disbursement:** Single Reimbursement Request up to fifty percent (50%) of the Eligible Costs submitted, not to exceed fifty percent (50%) of the Maximum Grant.

By no later than December 31, 2025, the Grantee shall have submitted all then required Progress Reports, otherwise be in compliance with this Agreement, and shall submit to the satisfaction of the Grant Manager, all of the following information:

1. The Reimbursement Request in the form and substance set forth in Exhibit E-1, signed by Grantee;
2. A fully executed construction contract related to the Property and Project; and
3. Copies of invoices, work orders, bills, and the corresponding evidence of payment, and any other documentation which itemizes in detail, and substantiates, that the Grantee expended the Eligible Costs within the time period identified in Section 2.5(b).

**Key Milestone Two:**

**Grant Disbursement:** Single Reimbursement Request for up to fifty percent (50%) of Eligible Costs submitted; provided, however, when taken together with any prior Grant Disbursements, cannot exceed Maximum Grant.

By no later than April 30, 2027, the Grantee shall have submitted all then required Progress Reports, otherwise be in compliance with this Agreement, and shall submit to the satisfaction of the Grant Manager all of the following information:

1. The Reimbursement Request in the form and substance set forth in Exhibit E-2, signed by Grantee;
2. Copies of invoices, work orders, bills, and the corresponding evidence of payment, and any other documentation which itemizes in detail, and substantiates, that the Grantee expended the Eligible Costs within the time period identified in Section 2.5(b); and
3. A true and correct copy of an unconditional certificate(s) of occupancy for all residential units of the Project from the appropriate governmental authority empowered to exercise jurisdiction over the Project, or if such jurisdiction does not issue a certificate(s) of occupancy or an equivalent thereto, evidence satisfactory to the Grant Manager that the Project is complete and has passed all inspections and received all approvals which are conditions precedent to the use and occupancy of the Project, and temporary certificate(s)

of occupancy, conditional certificate(s) of occupancy, or the jurisdictional equivalents thereto, in lieu of unconditional certificate(s) of occupancy for all remaining units (retail and commercial, as applicable) with the only work remaining to be performed being tenant improvements to be performed by or on behalf of the tenants.

**EXHIBIT D****MEDC REQUIRED TERMS**

**Section D.1 Confidentiality.** Grantee should be aware that information submitted to the MEDC in relation to this Agreement may be subject to disclosure under the provisions of Public Act 442 of 1976, as amended, known as the Freedom of Information Act (“FOIA”). The FOIA also provides for the complete disclosure of the Agreement and any Exhibits thereto.

**Section D.2 Access to Records and Inspection Rights.** During the Term, and for seven (7) years thereafter, the Grantee shall maintain reasonable records arising out of this Agreement and shall allow access to those records by the MEDC, or its authorized representative. This Section shall survive for seven (7) years following the end of the Term.

**Section D.3 MEDC Employees.** The Grantee will not hire any employee of the MEDC to perform any services covered by this agreement without prior written approval from the Chief Executive Officer of the MEDC.

**Section D.4 Assignment/Transfer/Subcontracting.** Except as contemplated by this Agreement, the Grantee shall not assign, transfer, convey, subcontract, or otherwise dispose of any duties or rights under this Agreement without the prior specific written consent of the MEDC. Any future successors of the Grantee will be bound by the provisions of this Agreement unless the MEDC otherwise agrees in a specific written consent.

**Section D.5 Termination of Funding.** In the event that the State legislature, the State government, or the federal government fails to provide or terminates the funding necessary for the MEDC to fund the Grant, the MEDC may terminate this Agreement by providing notice to the Grantee not less than thirty (30) calendar days before the date of cancellation provided, however, that in the event the action of the State legislature, State government, or federal government results in an immediate absence or termination of funding, this Agreement may be terminated effective immediately upon delivery of written notice to the Grantee. In the event of termination of funding, the MEDC has no further obligation to make any disbursements of the Grant beyond the date of termination of this Agreement.

**Section D.6 Non-Discrimination and Unfair Labor Practices.** In connection with this Agreement, the Grantee agrees not to discriminate against any employee or applicant for employment, with respect to their hire, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment, because of race, color, religion, national origin, ancestry, age, sex (including sexual orientation and gender identity or expression as defined in Executive Directive 2019-09), height, weight, marital status, partisan considerations, physical or mental disability, or genetic information (as defined in Executive Directive 2019-09) that is unrelated to the individual’s ability to perform the duties of the particular job or position. The Grantee further agrees that every subcontract or sub-recipient agreement entered into for performance of this Agreement will contain a provision requiring nondiscrimination in employment, as specified in this Agreement, binding upon each subcontractor. This covenant is required, as applicable under the Elliot Larsen Civil Rights Act, 1976 PA 453, MCL 37.2101, et seq., and the Persons with Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101, et seq., and is consistent

with Executive Directive 2019-09, and any breach thereof may be regarded as a material breach of this Agreement.

Under 1980 PA 278, MCL 423.321, et seq., the State shall not award a contract or subcontract to an employer whose name appears in the current register of employers failing to correct an unfair labor practice compiled under MCL 423.322. The United States Labor Relations Board compiles this information. The Grantee shall not enter into a contract with a subcontractor, manufacturer, or supplier whose name appears in this register. Under MCL 423.324, the State may void any contract if, subsequent to the award of the contract, the name of the Grantee as an employer, or the name of a subcontractor, manufacturer, or supplier of the Grantee appears in the register.

**Section D.7 Indemnification.** To the extent permitted by law, the Grantee shall indemnify, defend and hold harmless the MEDC, its corporate board of directors, executive committee members including its participants, its officers, agents, and employees (the “Indemnified Persons”) from any damages that it may sustain through the act or omission of the Grantee pertaining to the performance of this Agreement. This section shall survive indefinitely.

**Section D.8 Jurisdiction.** In connection with any dispute between the Parties under this Agreement, the Parties hereby irrevocably submit to jurisdiction and venue of the Michigan circuit courts of the State of Michigan located in Ingham County. Each Party hereby waives and agrees not to assert, by way of motion as a defense or otherwise in any such action any claim; (a) that it is not subject to the jurisdiction of such court; (b) that the action is brought in an inconvenient forum; (c) that the venue of the suit, action, or other proceeding is improper; or (d) that this Agreement or the subject matter of this Agreement may not be enforced in or by such court. This section shall survive indefinitely.



**EXHIBIT E-1**

**REIMBURSEMENT REQUEST FORM  
(For Key Milestone 1)**

This Reimbursement Request is being delivered pursuant to Section 2.4 and the applicable Key Milestone under the Revitalization and Placemaking 2.0 Program Grant Agreement by and between the Michigan Economic Development Corporation (the “MEDC”) and Grantee (the “Agreement”). Capitalized terms used in this is Reimbursement Request and not otherwise defined in this Reimbursement Request Form (“Form”) shall have the meanings ascribed to them in the Agreement.

The undersigned, in the name and on behalf of Grantee (and not in an individual capacity), hereby certifies, represents and warrant that as of the date of signing this Form:

1. Grantee has complied, and is in compliance with, all the terms, covenants, and conditions of the Agreement.
2. No Default or Event of Default under the Agreement exists.
3. The representations and covenants of Grantee contained in Article III of the Agreement remain true.
4. As permitted by Key Milestone One, Grantee requests a Grant Disbursement in the total amount of \_\_\_\_\_.
5. Attached to this Form is Supporting Documentation required for Key Milestone One, which is the subject of this Reimbursement Request and Form.
6. Each of the Eligible Costs submitted for reimbursement were incurred and paid on or before the Submission Date.

The undersigned has the authority to sign this Form on behalf of Grantee, and signs this Form as of \_\_\_\_\_ (the “Submission Date”).

**CITY OF MARQUETTE**

\_\_\_\_\_  
By:  
Its:

**EXHIBIT E-2**

**REIMBURSEMENT REQUEST FORM  
(Key Milestone 2)**

This Reimbursement Request is being delivered pursuant to Section 2.4 and the applicable Key Milestone under the Revitalization and Placemaking 2.0 Program Grant Agreement by and between the Michigan Economic Development Corporation (the “MEDC”) and Grantee (the “Agreement”). Capitalized terms used in this is Reimbursement Request and not otherwise defined in this Reimbursement Request Form (“Form”) shall have the meanings ascribed to them in the Agreement.

The undersigned, in the name and on behalf of Grantee (and not in an individual capacity), hereby certifies, represents and warrant that as of the date of signing this Form:

1. Grantee has complied, and is in compliance with, all the terms, covenants, and conditions of the Agreement.
2. No Default or Event of Default under the Agreement exists.
3. The representations and covenants of Grantee contained in Article III of the Agreement remain true.
4. As permitted by Key Milestone Two, Grantee requests a Grant Disbursement in the total amount of \_\_\_\_\_.
5. Attached to this Form is Supporting Documentation required for Key Milestone Two, which is the subject of this Reimbursement Request and Form.
6. Each of the Eligible Costs submitted for reimbursement were incurred and paid on or before the Submission Date and have not previously been reimbursed as part of a prior Reimbursement Request.

The undersigned has the authority to sign this Form on behalf of Grantee, and signs this Form as of \_\_\_\_\_ (the “Submission Date”).

**CITY OF MARQUETTE**

\_\_\_\_\_  
By:  
Its:

## City of Marquette, MI

300 West Baraga Avenue  
Marquette, MI 49855

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**Agenda Date: 5/27/2025**

### **Consent Agenda - Roll Call Vote**

#### **Application for License to Use City Property Adjacent to 113 W. Baraga Avenue**

##### **BACKGROUND:**

Ramon Ayala has submitted an application for SCT Properties, LLC, to use a portion of the public property on the north side of the building addressed as 113 W. Baraga Avenue - home of El Santo Tacos and Tequila restaurant - for an access ramp to the restaurant. The ramp is on the lot addressed as 116 Rock Street, which is owned by the City of Marquette and used for a public parking lot. This application was required as a result of a change in ownership of the 113 W. Baraga Avenue property.

##### **FISCAL EFFECT:**

The application fee of \$460 and has been paid.

##### **RECOMMENDATION:**

Approve the License and execute the Grant of License document.

##### **ALTERNATIVES:**

As determined by the Commission.

##### **ATTACHMENTS:**

###### Description

- ▣ Grant of License signed by Applicant\_04-PRU-05-25
- ▣ Application for License\_04-PRU-05-25\_116 Rock St.

## GRANT OF LICENSE

THE CITY OF MARQUETTE, a municipal corporation of 300 W. Baraga Ave., Marquette, MI 49855, ("City"), and SCT Properties, LLC, a Michigan limited liability company of 113 W. Baraga Ave, Marquette, MI 49855, ("SCT") licensee, enter into this agreement on \_\_\_\_\_, 2025, subject to the following conditions:

1. Background. The City owns the Rock Street Parking Lot, in the City of Marquette, and State of Michigan.  
SCT desires to construct and maintain an ADA entrance ramp with storm water or drainage collection ("Ramp") to access its business located at 113 W. Baraga Avenue, on the real estate and to the specifications set forth in Exhibit A.
2. Grant of the license. In consideration of \$460.00, the City grants to SCT the right to construct the Ramp on the real estate and to the specifications set forth in Exhibit A.
3. Construction and Maintenance. SCT shall construct, and at all times while this License is in effect, maintain the Ramp in good repair. SCT shall be responsible for all fees and expenses related to the construction and maintenance of the Ramp and real estate described in Exhibit A.
4. Use. The right to use the real estate described in Exhibit A is not exclusive, however as long as this License is in effect, the City shall not permit any use contrary to the Ramp except as may be necessary to install, repair, remove or replace utilities. In the event the City repairs, removes or replaces utilities, SCT shall be responsible for any removal of, repair to or replacement of the Ramp in connection with utility work. SCT shall not use the real estate for any purpose except as specifically allowed within this agreement, and shall not alter, injure or damage the City's public right of way.
5. Reimbursement for damages. SCT shall reimburse the City for any physical damages to the City's public right of way caused by SCT's use on the real estate. SCT, and any successor or assign shall indemnify, defend and hold harmless the City from and against any demand, claim, action or cause of action, assessment, loss, damage, liability cost and/or expense, including but not limited to, interest, penalties, consultants fees and expenses, and attorneys' fees and expenses, asserted against, imposed upon or incurred by the City due solely to SCT's use. SCT's obligations under this provision shall not extend to claims, losses, expenses or damages arising out of or in any way attributable to the negligence of the City or its agents, consultants, or employees. SCT reserves the right to control the defense and settlement of any claim for which SCT has an obligation to indemnify hereunder.
6. Revocation. This License may be revoked by either party at any time by providing at least 90 days' written notice of termination to the other party. On the termination date, all rights and obligations of the parties shall cease and on or before the termination date, SCT shall remove the Ramp from the real estate, at its own expense. SCT shall not be entitled to a reimbursement for any portion of the fee previously paid to the City.
7. Personal Interest. The rights granted herein are personal to SCT, and terminate upon the transfer of ownership of SCT's premises.
8. Entire Agreement. This Grant of License constitutes the entire agreement between the parties.

The said parties have caused this document to be executed the day and year first written above.

CITY OF MARQUETTE

By: Jessica Hanley  
Its: Mayor

By: Kyle Whitney  
Its: Clerk

STATE OF MICHIGAN )  
COUNTY OF MARQUETTE )

Acknowledged before me in Marquette County, Michigan, on \_\_\_\_\_, 2025,  
by Jessica Hanley, Mayor and Kyle Whitney, Clerk, of the City of Marquette, a Michigan municipal corporation.

\_\_\_\_\_, Notary Public  
State of Michigan, County of Marquette  
My Commission Expires: \_\_\_\_\_  
Acting in the County of Marquette

SCT PROPERTIES, LLC

By: Juan Ayala  
Its: Property Owner

STATE OF MICHIGAN )  
COUNTY OF MARQUETTE )

Acknowledged before me in Marquette County, Michigan, on April 24, 2025,  
by Juan Ayala, Property Owner of SCT Properties, LLC.

Ann M. Cook  
Ann M. Cook, Notary Public  
State of Michigan, County of Marquette  
My Commission Expires: \_\_\_\_\_  
Acting in the County of Marquette

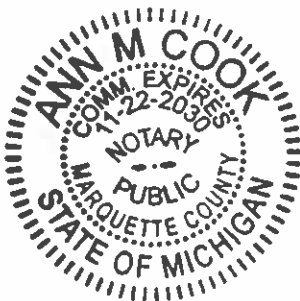
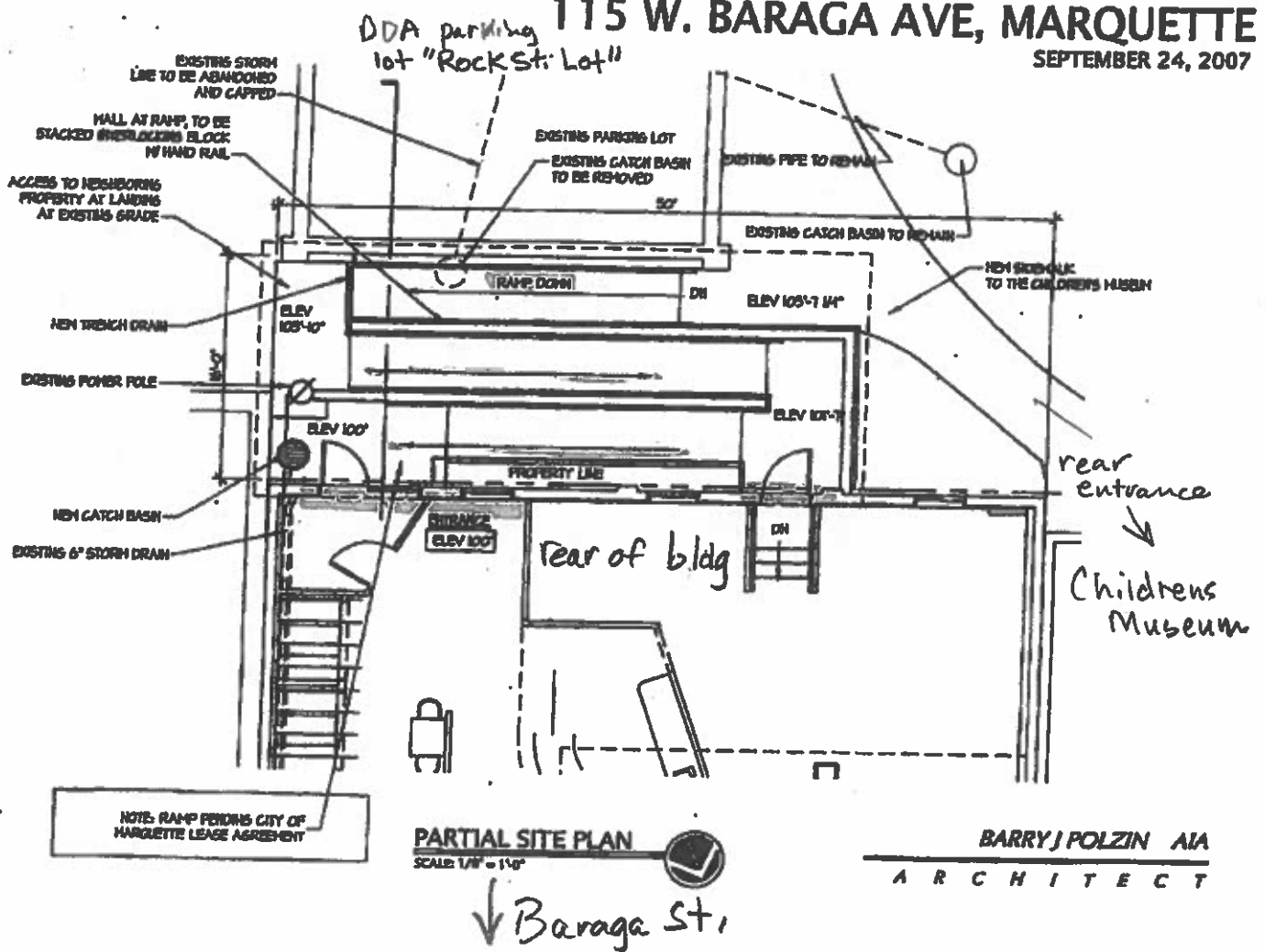


Exhibit A1

# VESTA'S CAFE 115 W. BARAGA AVE, MARQUETTE SEPTEMBER 24, 2007



Mail to:  
Municipal Service Center  
Community Development Office  
1100 Wright St.  
Marquette, MI 49855

PRINT

**CITY OF MARQUETTE**  
**APPLICATION FOR LICENSE/EASEMENT**  
**OF CITY-OWNED PROPERTY**



**CITY STAFF USE**

Date Submitted: 3/14/25 Parcel ID#: 0110250 File #: 04-PRU-04-25  
Property Address/Location: 116 Rock St. - for access to 113 W. Barga St.  
Adequate Graphic Image or Legal Description Submitted: Y / N  
Receipt #: 930275 Check #: 1280 Received by and date: DS 3/14/25

**FEE \$460** (We can only accept Cash or Check (written to the City of Marquette))

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED, ALL OF THE INFORMATION REQUIRED IS PRESENT AT THE TIME OF THE APPLICATION - NO EXCEPTIONS!** If you have any questions, please call 228-0425 or e-mail [dstensaas@marquettemi.gov](mailto:dstensaas@marquettemi.gov).

**ADDRESS INFORMATION**

What is the street address, or nearest street address, of the property/location of the requested license/easement?

116 Rock Street

**APPLICANT CONTACT INFORMATION and LEGAL NAME OF PROPERTY OWNER**

**APPLICANT or REPRESENTATIVE**

Name: Ramon Ayala  
Address: [REDACTED]  
City: Marquette, Mi  
State, Zip: Michigan 49855  
Phone #: [REDACTED]  
Email: elsantotequila.24@gmail.com

**NAME(S) ON PROPERTY DEED**

Name(s): El santo Tacos & Tequila  
Inc.  
Address: 113 W Barga Ave  
City, State, Zip: Marquette Mi 49855  
Phone #: 906 273 0709  
Email: elsantotequila.24@gmail.com

**PROJECT DESCRIPTION**

Please describe the reason or necessity for the requested license/easement for use of the City property:

\* Renewal of license for new ownership.  
no changes to ramp/access

### LEGAL or GRAPHIC LOCATION DESCRIPTION

A surveyed legal description of the license/easement area or a graphic image of the approximate requested license area is required. City staff can provide an aerial photo of the subject property/area to assist with creating a graphic location description/exhibit for the application.

*See attached Exhibit from previous license.*

### ATTACHMENTS

You may attach sketches, maps, photos, or other items that may help to illustrate/visualize your request. Community Development staff will attach a photo-map of the area. Attachments:

*Exhibit*

*Original license.*

### SIGNATURE

I understand that this application itself is not considered an approval and only the Marquette City Commission has the authority to grant an approval for a license/easement for use of property owned by the City of Marquette.

Signature: *J. Davis*

Date: *03/14/2025*



## City of Marquette, MI

300 West Baraga Avenue  
Marquette, MI 49855

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**Agenda Date: 5/27/2025**

### **Consent Agenda - Roll Call Vote**

## **Resolutions for Unpaid Stormwater and Unpaid Water and Wastewater - Roll Call Vote**

### **BACKGROUND:**

Chapter 48-194 of the City Code states, "Unpaid stormwater service charges shall constitute a lien against the property affected from the date the charges were incurred. Charges which have remained unpaid for a period of three (3) months prior to April 1 of any year may, after notice to the owner, by resolution of the City Commission, be certified to the City Assessor who shall place the charges on the City Tax Roll."

Chapter 48-123 of the City Code states, "Charges for water and wastewater services shall constitute a lien against the property served, and if not paid within three (3) months after the same is due, the official in charge of the collection thereof shall, prior to April 1 and October 1, certify to the City Assessor the facts of such delinquency, whereupon the City Assessor shall enter such delinquent charges upon the next general City Tax Roll as a charge against such premises, and the lien thereof shall be enforced in the same manner as provided by law for delinquent and unpaid taxes."

### **FISCAL EFFECT:**

\$4,948.04 plus accruing interest and penalty for delinquent stormwater, and \$2,919.14 plus accruing interest and penalty for delinquent water/sewer accounts.

### **RECOMMENDATION:**

Accept the Resolutions to place unpaid stormwater, water and wastewater utility charges on the next City Tax Roll for collection, and authorize the City Clerk to sign the Resolutions.

### **ALTERNATIVES:**

As determined by the Commission.

### **ATTACHMENTS:**

#### Description

- ▣ Resolution for Unpaid Stormwater
- ▣ Resolution for Unpaid Water and Wastewater
- ▣ Delinquent Water and Wastewater Redacted
- ▣ Delinquent Stormwater Redacted

## **RESOLUTION FOR UNPAID STORMWATER**

WHEREAS, the City of Marquette has adopted a Stormwater Utility Ordinance, Chapter 48 of the City Code; and,

WHEREAS, each parcel in the City of Marquette is assessed a proportionate share of the cost of the utility; and,

WHEREAS, the attached list of property owners have not paid their stormwater utility charges, which were delinquent three months prior to April 1, 2025, and have been so notified.

NOW, THEREFORE, IT IS RESOLVED, that the attached list of unpaid stormwater utility charges shall be certified to the Marquette City Assessor to be placed on the next city tax roll for collection.

The foregoing resolution offered by Commissioner \_\_\_\_\_ and supported by Commissioner \_\_\_\_\_.

AYES:

NAYS:

ABSENT:

ABSTENTION:

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of the resolution adopted by the City Commission of the City of Marquette, County of Marquette, Michigan, at a regular meeting held on May 27, 2025.

---

Kyle Whitney, Clerk

## **RESOLUTION FOR UNPAID WATER & WASTEWATER**

WHEREAS, the City of Marquette has adopted a Water and Sewage Rates Ordinance, Chapter 48 of the City Code; and,

WHEREAS, each parcel in the City of Marquette is assessed a proportionate share of the cost of the utility; and,

WHEREAS, the attached list of property owners have not paid their water and wastewater charges, which were delinquent three months prior to April 1, 2025, and have been so notified.

NOW, THEREFORE, IT IS RESOLVED, that the attached list of unpaid water and wastewater charges shall be certified to the Marquette City Assessor to be placed on the next city tax roll for collection.

The foregoing resolution offered by Commissioner \_\_\_\_\_ and supported by Commissioner \_\_\_\_\_.

AYES:

NAYS:

ABSENT:

ABSTENTION:

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of the resolution adopted by the City Commission of the City of Marquette, County of Marquette, Michigan, at a regular meeting held on May 27, 2025.

\_\_\_\_\_  
Kyle Whitney, Clerk

| Parcel  | Amount     | Account    | Incurred by          | Incurred by address | Incurred by city state zip | Service address        | Owner                         | Owner c/o | Owner address | Owner city state zip | Status               |
|---------|------------|------------|----------------------|---------------------|----------------------------|------------------------|-------------------------------|-----------|---------------|----------------------|----------------------|
| 0110150 | \$ 223.81  | 4008051002 | MITCHELL KELLY       |                     |                            | 30 141 ROCK ST         | TRUSCOTT, JON                 |           |               |                      | Inactive-Balance Due |
| 0190980 | \$ 173.48  | 5614126113 | HOFFMAN RHET         |                     |                            | 13 216 N SIXTH ST      | MDT ENTERPRISES LLC           |           |               |                      | Inactive-Balance Due |
| 0330440 | \$ 369.74  | 1023128516 | GAGALA AARON         |                     |                            | -97 209 W PROSPECT ST  | WINTON, YVETTE M              |           |               |                      | Inactive-Balance Due |
| 0450530 | \$ 145.10  | 3846000019 | THORLEY RONALD       |                     |                            | 09 540 CENTER ST       | THORLEY, RONALD D             |           |               |                      | Inactive-Balance Due |
| 0461831 | \$ 96.53   | 3844046824 | WALKER MARGARET      |                     |                            | 24 721 NORWOOD ST      | ILLIKAINEN, JOHN / DIANE      |           |               |                      | Inactive-Balance Due |
| 0470410 | \$1,261.71 | 8046135409 | 906 RESTYLE          |                     |                            | 00 1907 PRESQUE ISLE A | MCQUAID, DANIEL J             |           |               |                      | Inactive-Balance Due |
| 0480800 | \$ 56.04   | 8047114012 | ZAVALA, MONICA L / P |                     |                            | 0 2322 LONGYEAR AVE    | ZAVALA-PERETTO, MONICA L / JO |           |               |                      | Inactive-Balance Due |
| 0510510 | \$ 93.59   | 2657025122 | ILLIKAINEN DIANE     |                     |                            | 69 1962 WRIGHT ST      | ILLIKAINEN, DIANE / JOHN      |           |               |                      | Inactive-Balance Due |
| 0560800 | \$ 263.95  | 8044103009 | FRY MARLENA          |                     |                            | 1938 NEIDHART AVE      | DEPETRO FAMILY TRUST          | B         |               |                      | Inactive-Balance Due |
| 0670270 | \$ 50.96   | 7638154004 | GEE JORDAN           |                     |                            | 34 1515 LYNN AVE       | 1515 LYNN LLC                 |           |               |                      | Inactive-Balance Due |
| 0561350 | \$ 184.23  | 8044109001 | MAKI CHARLES H       |                     |                            | 2005 NEIDHART AVE      | ILLIKAINEN, DIANE / ET AL     |           |               |                      | ACTIVE               |
| Total   | \$2,919.14 |            |                      |                     |                            |                        |                               |           |               |                      |                      |

|         |    |          |           |                            |  |                       |                                  |        |  |                      |
|---------|----|----------|-----------|----------------------------|--|-----------------------|----------------------------------|--------|--|----------------------|
| 0261470 | \$ | 1,131.70 | 7.56E+09  | BEAUCHAMP AMY/SAMUEL       |  | 301 GARFIELD AVE      | BEAUCHAMP, AMY P / SAMUEL W      | annual |  | Active               |
| 0515773 | \$ | 1,260.69 | 7.56E+09  | IRONSHORE DEVELOPMENT LLC  |  | 2500 MCCLELLAN AVE    | IRONSHORE REALTY GROUP LLC       | annual |  | Active               |
| 1010110 | \$ | 383.82   | 7.561E+09 | RUSSO, JANE GRACE          |  | 205 SANDSTONE DR      | RUSSO, JANE GRACE                | annual |  | Active               |
| 0090751 | \$ | 120.34   | 5.561E+09 | GORSALITZ JOSH             |  | 231 NEWBERRY ST       | GORSALITZ, JOSHUA / HEIDI        |        |  | Active               |
| 0261493 | \$ | 185.86   | 6.496E+09 | BEAUCHAMP AMY/SAMUEL       |  | 910 W RIDGE ST        | BEAUCHAMP, AMY P / SAMUEL        |        |  | Active               |
| 0271110 | \$ | 120.34   | 5.561E+09 | VENETJOKI ARI              |  | 1101 LOGAN ST         | CAMILLI, MICHAEL A               |        |  | Active               |
| 0361000 | \$ | 108.59   | 5.232E+09 | GEUEKE JOHN                |  | 806 HIGH ST           | GEUEKE, JOHN C/O NIKOLAUS GEUEKE |        |  | Active               |
| 0514060 | \$ | 54.55    | 5.411E+09 | 484 BENNAVILLE LLC         |  | 200 S FIFTH ST        | 484 BENNEVILLE LLC               |        |  | Active               |
| 0515753 | \$ | 1,059.75 | 1.851E+09 | IRONSHORE REALTY GROUP LLC |  | MCCLELLAN AVE         | IRONSHORE REALTY GROUP LLC       |        |  | Active               |
| 1050430 | \$ | 253.12   | 5.56E+09  | GILMORE MARCUS             |  | 980 W ORIANNA DR      | GILMORE, MARCUS W                |        |  | Active               |
| 1050440 | \$ | 253.12   | 5.56E+09  | GILMORE MARCUS             |  | 960 W ORIANNA DR      | GILMORE, MARCUS W                |        |  | Active               |
| 0470480 | \$ | 16.16    | 3.846E+09 | CHRISTOPHER GALE           |  | 1901 PRESQUE ISLE AVE | MCQUAID, DANIEL J                |        |  | INACTIVE BALANCE DUE |
|         |    | \$       | 4,948.04  |                            |  |                       |                                  |        |  |                      |

**City of Marquette, MI**

300 West Baraga Avenue  
Marquette, MI 49855

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**Agenda Date: 5/27/2025**

**Consent Agenda - Roll Call Vote**

**Schedule Public Hearing - Ordinance #25-07 for Land Development Code Amendments**

**BACKGROUND:**

On May 20, 2025, the Planning Commission conducted a Public Hearing for the consideration of a comprehensive set of amendments to the Land Development Code that had been the subject of several months of work and refinement before this meeting. Those amendments have been provided with Ordinance #25-07 by the City Clerk, for a public hearing to be conducted by the City Commission, per this request. After considering the proposed amendments and conducting a Public Hearing, the Planning Commission approved the following motion:

*It was moved by K. Clegg, seconded by M. Rayner, and carried 7-0 that after review of the draft Land Development Code (LDC) amendments presented as case 01-ZOA-05-2025, and after conducting a public hearing and careful consideration of the contents of the draft LDC amendments, the Planning Commission finds that the draft LDC amendments are consistent with the recommendations, goals, and policy objectives of the Community Master Plan, comply with section 54.1405 of the Land Development Code and therefore are justified and appropriate and therefore should be approved by the City Commission as presented, represent an improvement to regulation that affects property owners in the city, and therefore are justified and appropriate and therefore should be approved by the City Commission as presented.*

In the attached draft ordinance, strikethroughs indicate repealed content, while yellow highlights indicate newly added material.

**FISCAL EFFECT:**

None.

**RECOMMENDATION:**

Schedule a Public Hearing for the June 30, 2025 City Commission meeting to consider adoption of Ordinance #25-07 for Land Development Code Amendments.

**ALTERNATIVES:**

As determined by the Commission.

**ATTACHMENTS:**

Description

- ▣ Ordinance #25-07 for Land Development Code Amendments
- ▣ PC Case File 01-ZOA-05-25 Land Development Code Amendments

## ORDINANCE #25-07

AN ORDINANCE TO AMEND SEVERAL SECTIONS OF MARQUETTE CITY CODE CHAPTER 54 – LAND DEVELOPMENT CODE:

ARTICLE 2 - DEFINITIONS

ARTICLE 3 – ZONING DISTRICTS AND MAP

ARTICLE 4 – SCHEDULE AND REGULATIONS

ARTICLE 5 – SUPPLEMENTAL ZONING DISTRICT STANDARDS

ARTICLE 6 – STANDARDS APPLICABLE TO SPECIFIC LAND USES

ARTICLE 7 – GENERAL PROVISIONS

ARTICLE 8 – ENVIRONMENTAL PERFORMANCE STANDARDS

ARTICLE 9 – PARKING, LOADING AND ACCESS MANAGEMENT

ARTICLE 10 – LANDSCAPING AND SCREENING

ARTICLE 11 – SIGNS

ARTICLE 12 - NONCONFORMITIES

ARTICLE 14 – ADMINISTRATIVE PROCEDURES

ARTICLE 15 – VIOLATIONS, PENALTIES, AND ENFORCEMENT

**SUMMARY.** This ordinance is intended to update the Land Development Code in several areas, where the need for improvements has been identified by staff and the City Planning Commission.

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### **SECTION 1. Article 2- Definitions**

Chapter 54 – LAND DEVELOPMENT CODE, Article 2 – Definitions is hereby amended as follows:

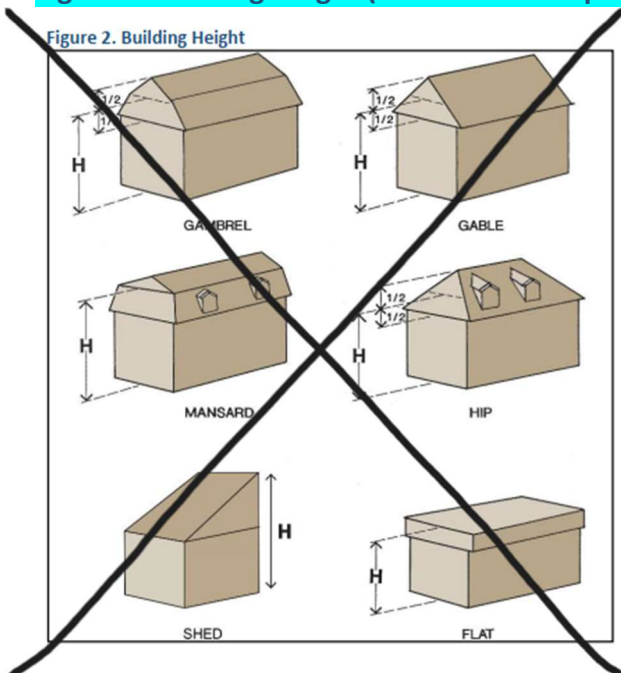
#### **Article 2 Definitions**

##### **Section 54.202 Specific Terms**

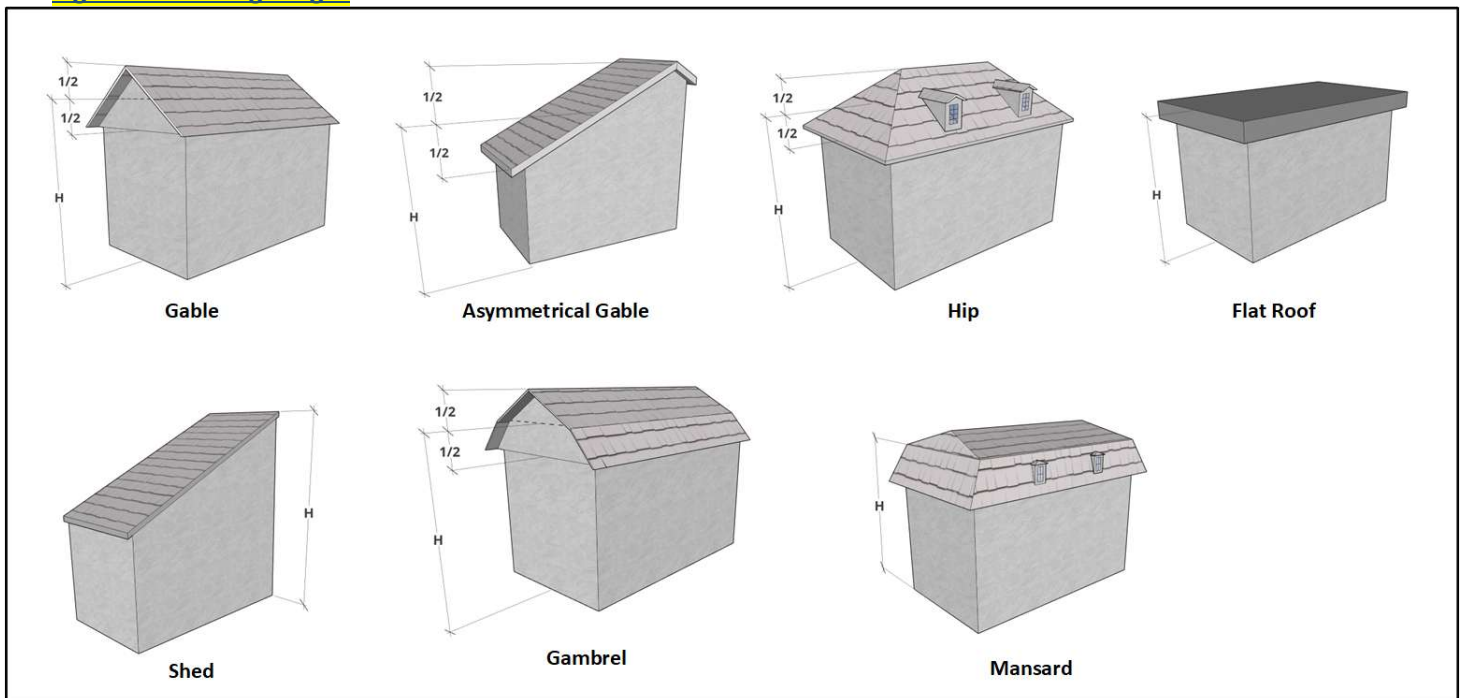
- (27) **Best Management Practices (BMPs).** Conservation practices or management measures approved by the Michigan Department of Environmental Quality (MDEQ) Environment, Great Lakes, and Energy (EGLE) or the City that prevent, control, and reduce nonpoint source pollution.
- (34) **Building, Height:** The vertical distance between the average grade (see definition of “Grade”) and the highest point of the roof surface for flat roofs; to the deck line of Mansard roofs; the average height between eaves and ridge for gable, hip, and gambrel roofs; and the maximum height of the highest wall for a shed roof. (See [Figure 2. Building Height](#)). Asymmetrical gable roofs will be measured from the longest roof – the vertical distance between the average grade and the average height between eaves and ridge.



**Figure 2. Building Height (Remove and Replace the images)**



**Figure 2. Building Height**



**(78) Fence, Residential Screening:** A closed-construction (solid or board-on-board) fence, more than four (4) feet in height but no more than six (6) feet in height. Such a fence is located and maintained primarily to screen views to and from adjacent properties.

**(789) Fence, Screening:** A fence/structure of definite height and location, located and maintained to prevent passage of light to screen and separate a use from adjacent property screen views and reduce noise to/from adjacent properties, and sometimes to separate different land uses.

**All of the definitions after this will need to be renumbered**

**(xx) Heavy Vehicle/Equipment Sales, Rental, and Display:** Includes indoor and outdoor display and storage of construction equipment such as manlifts, forklifts, aerial work platforms, earth moving equipment, cranes, pumps, and related accessories such as welders, trailers, air compressors.

**(xx) Lot Depth:** Lot depth is measured along an imaginary straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line. This straight line must be entirely within the lot boundaries.

**(xxx) Housing collective:** A cooperative organization, typically a non-profit in which the ownership and control of housing are mutually vested in the occupants of dwelling units and possibly other stakeholders of that organization, who may share cooperative responsibilities in the dwelling(s) other than financial interests. For example, an *Intentional Community* dwelling may be a housing collective, but as a housing collective is primarily a financial arrangement for owning and operating housing, it is not necessarily an *Intentional Community* or any other type of land use defined herein, and thus it is not a land use per se and not prohibited by this ordinance.

**(182) Pet Boarding Facility:** A business for the temporary boarding and care of common household pets, sometimes referred to as a “boarding kennel” or “doggy day care.” Boarding generally occurs during daytime hours, but may include overnight boarding. Pet boarding facilities may provide related services such as retail sales, grooming, or training, but no animals may be bred or sold at a pet boarding facility.

**(xx) Storage, Indoor:** Structure(s) containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time for dead storage and equipment and located entirely within a building. Dead storage refers to the storage of furniture, files, or other unused or seldom used items in a warehouse or other location for an indefinite period of time.

**(214) Storage, Open/Outdoor:** The storage of any material for a period greater than 24 hours, including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building.

**(xx) Storage Facility, Self:** A type of personal indoor storage for personal or business property or goods, for periods greater than 24 hours, mainly to provide long-term weather-protected, secured storage and shall be accessible by the owner of the storage items.

**(218) Street, Marginal Access:** A minor street parallel and adjacent to an arterial, collector or major thoroughfare, and which provides access to abutting properties private or public properties and protection from through traffic.

**(246) Veterinary Clinic (Domestic Animals Only):** An institution that is licensed by the State of Michigan to provide for the care, diagnosis, and treatment of sick or injured domestic animals, including those in need of medical or surgical attention. A veterinary clinic may include customary pens or cages within the walls of the clinic structure, but shall not include overnight boarding unless separately approved for a pet boarding facility use. A veterinary clinic may include such related facilities as laboratories, testing services, and offices.

**(249) Warehousing/Storage Facilities:** A use engaged primarily in indoor storage (commercial or personal materials), wholesale, and distribution of goods, products, supplies, and equipment, excluding bulk storage of materials.

**Warehousing:** An establishment in an enclosed building primarily engaged in storing commercial materials, goods, or property, including wholesaling operations that involve the sale or distribution of goods and materials in large quantity to retailers or other businesses for resale or distribution to individual or business customers. This shall not include heavy manufacturing, resource extraction, bulk storage of hazardous materials, or scrap or salvage operations. Examples include automated, distribution center, and cold storage.

**(253) Wetlands.** Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support the wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh. The boundaries of wetlands are determined in accordance with using maps produced by the Michigan Department of Environmental Quality Environment, Great Lakes, and Energy (EGLE), unless the applicant submits a certified wetlands delineation, which is preferable.

**(254) Wholesale Trade Establishments:** An establishment or place of business primarily engaged in selling and/or distributing wholesale merchandise to retailers, business users, other wholesalers, or individuals. This does not include warehousing/storage.

**(255) Wholesaling Operations:** The storage, and sale, and/or distribution of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment, including warehousing and indoor storage activities.

## SECTION 2. Article 3 – Zoning Districts and Map

Chapter 54 – LAND DEVELOPMENT CODE, Article 3 – Zoning Districts and Map is hereby amended as follows:

### Article 3 Zoning Districts and Map

#### Section 54.306 Permitted Uses by District

Figure 8. Table of Permitted Land Uses and Special Land Uses by Zoning District

Key: P=Permitted S=Special Land Use [blank]=Use Not Permitted

| Land Use                                     | LDR | MDR | MFR | MHP | MU | CBD | GC | RC | M | C | I-M | CR | BLP | Use Standards                   |
|----------------------------------------------|-----|-----|-----|-----|----|-----|----|----|---|---|-----|----|-----|---------------------------------|
| <b>Residential Uses</b>                      |     |     |     |     |    |     |    |    |   |   |     |    |     |                                 |
| Adult Foster Care, Family Home               | P   | P   | P   | P   | P  | P   |    |    |   |   |     |    |     |                                 |
| Adult Foster Care, Large Group Home          |     |     | S   |     |    |     |    |    |   |   |     |    |     | <a href="#">Section 54.602</a>  |
| Adult Foster Care, Small Group Home          | P   | P   | P   |     | P  |     |    |    |   |   |     |    |     | <a href="#">Section 54.602</a>  |
| Child or Day Care, Family Home               | P   | P   | P   | P   | P  | P   |    |    |   |   |     |    |     |                                 |
| Child or Day Care, Group Home                | P   | P   | P   |     | P  |     |    |    |   |   |     |    |     | <a href="#">Section 54.6078</a> |
| Dwelling, Accessory Unit                     | P   | P   | P   |     | P  | P   |    |    |   |   |     |    |     | <a href="#">Section 54.6112</a> |
| Dwelling, Intentional Community              | S   | S   | PS  |     | S  | S   |    |    |   |   |     |    |     | <a href="#">Section 54.6134</a> |
| Dwelling, Live/Work                          |     |     |     |     | P  | P   |    |    |   |   |     |    |     | <a href="#">Section 54.6145</a> |
| Dwelling, Multiple-Family, 5+ dwelling units |     |     | P   |     | P  | P   |    |    |   |   |     |    |     | <a href="#">Section 54.6156</a> |
| Dwelling, Single-Family Attached             |     |     | P   |     | P  | S   |    |    |   |   |     |    |     |                                 |
| Dwelling, Single-Family Detached             | P   | P   | P   |     | P  | S   |    |    |   |   |     |    |     | <a href="#">Section 54.6167</a> |

|                                                                                   |   |   |   |   |   |   |   |   |  |  |  |  |  |  |  |                                  |
|-----------------------------------------------------------------------------------|---|---|---|---|---|---|---|---|--|--|--|--|--|--|--|----------------------------------|
| Dwelling, Two-Family (Duplex)                                                     | P | P | P |   | P | P |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.6123</a>  |
| Dwelling, Triplex                                                                 | S | P | P |   | P | P |   |   |  |  |  |  |  |  |  |                                  |
| Dwelling, Quadplex                                                                | S | S | P |   | P | P |   |   |  |  |  |  |  |  |  |                                  |
| Foster Family Group Home                                                          | S | S | S |   | S | S |   |   |  |  |  |  |  |  |  |                                  |
| Foster Family Home                                                                | P | P | P |   | P | P |   |   |  |  |  |  |  |  |  |                                  |
| Home Occupation                                                                   | P | P | P |   | P | P |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.621</a>   |
| Home Office                                                                       | P | P | P |   | P | P |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.622</a>   |
| Mobile Home Park                                                                  |   |   |   | P |   |   |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.631</a>   |
| Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility |   |   | S |   | S | S |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.633</a>   |
| Residential Limited Animal Keeping                                                | P | P |   |   |   |   |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.6423</a>  |
| <b>Lodging Uses</b>                                                               |   |   |   |   |   |   |   |   |  |  |  |  |  |  |  |                                  |
| Bed and Breakfast                                                                 |   |   | S |   | S | S |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.603</a>   |
| Bed and Breakfast Inn                                                             |   |   |   |   | S | S |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.604</a>   |
| Domestic Violence Abuse Shelter                                                   |   |   | S |   | S | S |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.60910</a> |
| Fraternity or Sorority House                                                      |   |   | S |   | S | S |   |   |  |  |  |  |  |  |  |                                  |
| Halfway House                                                                     |   |   | S |   | S |   |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.61920</a> |
| Homeless Shelter                                                                  |   |   |   |   | S | S |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.623</a>   |
| Homestays and Vacation Home Rentals                                               | P | P | P |   | P | P |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.624</a>   |
| Hospital Hospitality House                                                        |   |   | S |   | S | S |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.626</a>   |
| Hostel                                                                            |   |   | S |   | S | S | S |   |  |  |  |  |  |  |  | <a href="#">Section 54.6434</a>  |
| Hotel or Motel                                                                    |   |   |   |   | S | S | P | P |  |  |  |  |  |  |  |                                  |
| Rooming House                                                                     |   |   | S |   | S | S | S |   |  |  |  |  |  |  |  | <a href="#">Section 54.6434</a>  |
| Supportive Housing Facility, Transitional and/or Permanent                        | S | S | P |   | S | S |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.65249</a> |

**Key:** P=Permitted S=Special Land Use [blank]=Use Not Permitted

| Land Use                                  | LDR | MDR | MFR | MHP | MU | CBD | GC | RC | M | C | I-M | CR | BLP | Use Standards                   |
|-------------------------------------------|-----|-----|-----|-----|----|-----|----|----|---|---|-----|----|-----|---------------------------------|
| <b>Medical Uses</b>                       |     |     |     |     |    |     |    |    |   |   |     |    |     |                                 |
| Emergency Services                        |     |     |     |     | P  | P   | P  | P  |   |   |     |    |     |                                 |
| Health Services                           |     |     |     |     | P  | P   | P  | P  |   |   |     |    |     |                                 |
| Hospice                                   |     |     |     |     | P  | P   | P  | P  |   |   |     |    |     |                                 |
| Hospital                                  |     |     | S   |     | S  | S   | S  | S  |   |   |     |    |     | <a href="#">Section 54.625</a>  |
| Medical Hospital Related Accessory Uses   |     |     |     |     | P  | P   | P  | P  |   |   |     |    |     | <a href="#">Section 54.634</a>  |
| Medical Hospital Related Office or Uses   |     |     |     |     | P  | P   | P  | P  |   |   |     |    |     |                                 |
| Office, Medical                           |     |     |     |     | P  | P   | P  | P  |   |   | P   |    |     | <a href="#">Section 54.634</a>  |
| Veterinary Clinic (Domestic Animals Only) |     |     |     |     | P  | P   | P  | P  |   |   | P   |    |     |                                 |
| <b>Public and Quasi-Public Uses</b>       |     |     |     |     |    |     |    |    |   |   |     |    |     |                                 |
| Cemetery                                  | S   | S   | S   |     |    |     |    |    | P | P |     |    |     | <a href="#">Section 54.6056</a> |
| Public or Governmental Building           | S   | S   | S   |     | P  | P   | P  | P  | P | P | P   | P  | P   |                                 |
| Recreational Use, Land Intensive          |     |     |     |     |    |     |    |    |   |   | S   | S  |     | <a href="#">Section 54.6401</a> |
| Recreational Use, Public                  | S   | S   | S   |     | S  | S   | S  | S  | P | P |     | P  | P   |                                 |
| Religious Institution                     | S   | S   | S   |     | P  | S   | P  | P  |   |   | P   |    |     | <a href="#">Section 54.6412</a> |
| School, Primary or Secondary              | S   | S   | S   |     | S  | S   |    |    | P | P |     |    |     | <a href="#">Section 54.6445</a> |
| School, University                        |     | S   | S   |     | S  | S   |    |    | P | P |     |    |     | <a href="#">Section 54.6067</a> |

| Commercial and Retail Uses                                                  |   |   |   |   |   |   |   |   |   |   |   |   |                                            |
|-----------------------------------------------------------------------------|---|---|---|---|---|---|---|---|---|---|---|---|--------------------------------------------|
| Adult Entertainment Uses                                                    |   |   |   |   |   |   |   |   |   | S |   |   | <a href="#">Section 54.601</a>             |
| Bar                                                                         |   |   |   | S | P | P | P |   |   |   |   |   |                                            |
| Child Care Center or Day Care Center                                        | P | P |   |   | P | P | P | P |   |   |   |   | <a href="#">Section 54.6089</a>            |
| Drive-Through Uses                                                          |   |   |   |   | P | P | P | P |   |   |   |   | <a href="#">Section 54.6101</a>            |
| Farmers' Markets                                                            |   |   |   |   | P | P | P | P | P | P |   |   | <a href="#">Section 54.6178</a>            |
| Fuel Dispensing Uses, including Service Stations                            |   |   |   | S | S | P | P | P | P | P | P |   |                                            |
| Indoor Recreation                                                           |   |   |   |   | P | P | P | P | P | P | P |   |                                            |
| Heavy Vehicle/Equipment Sales, Rental, and Display                          |   |   |   |   |   |   | P | P |   |   | P |   | <a href="#">Section 54.620</a>             |
| Light Vehicle/Equipment Sales and Display                                   |   |   |   |   |   |   | P | P | P |   |   |   | <a href="#">Section 54.628</a>             |
| Office, Professional                                                        |   |   |   |   | P | P | P | P | P | P | P |   | <a href="#">Section 54.634</a>             |
| Off-street Parking Lot                                                      |   |   | S |   | S | S | S | S | S | S | S | S |                                            |
| Outdoor Entertainment and Community Events (Principal Use or Accessory Use) |   |   |   |   | S | P | S | S | P | P |   | P | <a href="#">Section 54.6356 (C) or (D)</a> |
| Outdoor Entertainment and Community Events (Temporary Use)                  | P | P | P | P | P | P | P | P | P | P | P | P | <a href="#">Section 54.6356(B)</a>         |
| Outdoor Alcoholic Beverage Service                                          |   |   |   |   | S | P | P | P |   |   |   | S | <a href="#">Section 54.6367</a>            |
| Outdoor Food & Non-Alcoholic Beverage Service                               |   |   |   |   | P | P | P | P |   |   |   | P | <a href="#">Section 54.6378</a>            |
| Outdoor Recreation                                                          |   |   | S |   | P | P | P | P | P | P |   | P |                                            |
| Pet Boarding Facility                                                       |   |   |   |   |   |   | S | S |   |   | S |   |                                            |

**Key:** P=Permitted S=Special Land Use [blank]=Use Not Permitted

| Land Use                                                              | LDR | MDR | MFR | MHP | MU | CBD | GC | RC | M | C | I-M | CR | BLP | Use Standards                    |
|-----------------------------------------------------------------------|-----|-----|-----|-----|----|-----|----|----|---|---|-----|----|-----|----------------------------------|
| Restaurant, Indoor Service                                            |     |     |     |     | P  | P   | P  | P  |   |   |     |    |     |                                  |
| Restaurant with Outdoor Alcoholic Beverage Service                    |     |     |     |     | S  | P   | P  | P  |   |   |     | S  |     | <a href="#">Section 54.6367</a>  |
| Restaurant with Outdoor Food & Non-Alcoholic Beverage Service         |     |     |     |     | P  | P   | P  | P  |   |   |     | P  |     | <a href="#">Section 54.6378</a>  |
| Retail Business, Indoor                                               |     |     |     |     | P  | P   | P  | P  |   |   | P   |    |     |                                  |
| Retail Business, Outdoor Permanent                                    |     |     |     |     |    |     | S  | S  |   |   | S   |    |     |                                  |
| Retail Sales <a href="#">and Service Areas</a> , Outdoor Temporary    |     |     |     |     | P  | P   | P  | P  |   |   |     |    |     | <a href="#">Section 54.6389</a>  |
| Service Establishment                                                 |     |     |     |     | P  | P   | P  | P  |   |   | P   |    |     |                                  |
| Shooting Range, Indoor                                                |     |     |     |     |    |     | P  | P  |   |   | P   |    |     | <a href="#">Section 54.6456</a>  |
| <a href="#">Open Storage</a> <a href="#">Storage, Open/Outdoor</a>    |     |     |     |     |    |     | P  | P  | P | P | P   | P  | P   | <a href="#">Section 54.65035</a> |
| Vehicle Repair and Service                                            |     |     |     |     | S  | S   | P  | P  |   |   | P   |    |     | <a href="#">Section 54.627</a>   |
| Industrial Uses                                                       |     |     |     |     |    |     |    |    |   |   |     |    |     |                                  |
| Major Repair and Maintenance Operations                               |     |     |     |     |    |     |    |    | P | P | S   |    | P   | <a href="#">Section 54.627</a>   |
| Manufacturing, Heavy                                                  |     |     |     |     |    |     |    |    |   |   | S   |    | P   | <a href="#">Section 54.627</a>   |
| Manufacturing, Light– Low Impact                                      |     |     |     |     | P  | P   | P  | P  | P | P | P   |    | P   | <a href="#">Section 54.627</a>   |
| Manufacturing, Light – Medium Impact                                  |     |     |     |     | S  | S   | S  | S  | P | S | P   |    | P   | <a href="#">Section 54.627</a>   |
| Natural Resource Extraction <a href="#">and Processing</a> Operations |     |     |     |     |    |     |    |    |   |   | S   | S  | P   | <a href="#">Section 54.6321</a>  |
| Port Facilities and Docks                                             |     |     |     |     |    |     |    |    | S | S |     | S  | S   | <a href="#">Section 54.63940</a> |

**Key:**            P=Permitted            S=Special Land Use            [blank]=Use Not Permitted

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|                                                                                              |  |  |  |  |  |   |   |   |   |   |   |   |   |                                 |
|----------------------------------------------------------------------------------------------|--|--|--|--|--|---|---|---|---|---|---|---|---|---------------------------------|
| public street or highway.                                                                    |  |  |  |  |  |   |   |   | S | S |   | S |   |                                 |
| Wireless Telecommunications Facilities                                                       |  |  |  |  |  | S | S | S | P | P | P | S | P | <a href="#">Section 54.6530</a> |
| Marquette Downtown Waterfront District Form-Based Code (see <a href="#">Section 54.321</a> ) |  |  |  |  |  |   |   |   |   |   |   |   |   |                                 |
| Third Street Corridor Form-Based Code (see <a href="#">Section 54.322</a> )                  |  |  |  |  |  |   |   |   |   |   |   |   |   |                                 |

## Section 54.307 LDR, Low Density Residential District

| (D) Dimensional Regulations for 1-2 Dwelling Units and other uses identified in Section 54.307                          |                                           |                              |                                                                     |
|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|------------------------------|---------------------------------------------------------------------|
| Lot, Coverage, and Building Height Standards                                                                            |                                           | Minimum Setbacks             |                                                                     |
| Min. Lot Area (sq. ft.)                                                                                                 | 8,100                                     | Front Yard (ft.)             | 20 <a href="#">(B)</a>                                              |
| Min. Lot Width (ft.)                                                                                                    | 60                                        | Side Yard (one) (ft.)        | 10 <a href="#">(L)</a>                                              |
| Max. Impervious Surface Coverage (%)                                                                                    | <a href="#">(S)</a>                       | Side Yard (total of 2) (ft.) | 20 <a href="#">(L)</a>                                              |
| Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a>                                                      | <a href="#">44 (V)</a><br><del>31.5</del> | Rear Yard (ft.)              | <a href="#">20 30</a><br><a href="#">(L)</a><br><a href="#">(U)</a> |
| Max. Building Height of Accessory Building                                                                              | <a href="#">(L)</a>                       |                              |                                                                     |
| Max. Building Height (stories)                                                                                          | -                                         |                              |                                                                     |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |                                           |                              |                                                                     |

| (E) Dimensional Regulations for 3-4 Dwelling Units                                                                      |                                           |                              |                                                                    |
|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|------------------------------|--------------------------------------------------------------------|
| Lot, Coverage, and Building Height Standards                                                                            |                                           | Minimum Setbacks             |                                                                    |
| Min. Lot Area (sq. ft.)                                                                                                 | 9,000 <a href="#">(E)</a>                 | Front Yard (ft.)             | 20 <a href="#">(B)</a>                                             |
| Min. Lot Width (ft.)                                                                                                    | 75 <a href="#">(E)</a>                    | Side Yard (one) (ft.)        | 10 <a href="#">(H)</a> , <a href="#">(L)</a>                       |
| Max. Impervious Surface Coverage (%)                                                                                    | <a href="#">(S)</a>                       | Side Yard (total of 2) (ft.) | 20 <a href="#">(H)</a> , <a href="#">(L)</a>                       |
| Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a>                                                      | <a href="#">44 (V)</a><br><del>31.5</del> | Rear Yard (ft.)              | 30 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(U)</a> |
| Max. Building Height of Accessory Building                                                                              | <a href="#">(L)</a>                       |                              |                                                                    |
| Max. Building Height (stories)                                                                                          | -                                         |                              |                                                                    |
| Max. Lot Coverage/ Ground Coverage                                                                                      | 0.50                                      |                              |                                                                    |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |                                           |                              |                                                                    |



## Section 54.308 MDR, Medium Density Residential District

### (A) Intent

The MDR district is intended to establish and preserve medium-density residential neighborhoods that present an environment acceptable to a range of users, including families of all types. Some additional non-residential compatible uses may be allowed. It is important to for the community to preserve and enhance these pedestrian-friendly, compact neighborhood types districts where homes and buildings are of similar scale and character support the vast majority of residents in a form that is traditional to the city.

### (D) Dimensional Regulations for 1 Dwelling unit and other uses identified in Section 54.308

| Lot, Coverage, and Building Height Standards       |                | Minimum Setbacks             |             |
|----------------------------------------------------|----------------|------------------------------|-------------|
| Min. Lot Area (sq. ft.)                            | 4,500 (C)      | Front Yard (ft.)             | 15 (A), (B) |
| Min. Lot Width (ft.)                               | 37.5 (D)       | Side Yard (one) (ft.)        | 5 (L)       |
| Max. Impervious Surface Coverage (%)               | (S)            | Side Yard (total of 2) (ft.) | 13 (L)      |
| Max. Building Height of Primary Building (ft.) (Q) | 44 (V)<br>31.5 | Rear Yard (ft.)              | 20 (L), (U) |
| Max. Building Height of Accessory Building         | (L)            |                              |             |
| Max. Building Height (stories)                     | -              |                              |             |

Where there is a discrepancy between [Article 4](#) and this table, [Article 4](#) shall prevail.

### (E) Dimensional Regulations for 2 Dwelling Units

| Lot, Coverage, and Building Height Standards       |                | Minimum Setbacks             |                |
|----------------------------------------------------|----------------|------------------------------|----------------|
| Min. Lot Area (sq. ft.)                            | 6,000 (C)      | Front Yard (ft.)             | 15(A),(B)      |
| Min. Lot Width (ft.)                               | 50 (D)         | Side Yard (one) (ft.)        | 5 10<br>(L)    |
| Max. Impervious Surface Coverage (%)               | (S)            | Side Yard (total of 2) (ft.) | 13 20<br>(L)   |
| Max. Building Height of Primary Building (ft.) (Q) | 44 (V)<br>31.5 | Rear Yard (ft.)              | 20 (L),<br>(U) |
| Max. Building Height of Accessory Building         | (L)            |                              |                |
| Max. Building Height (stories)                     | -              |                              |                |

Where there is a discrepancy between [Article 4](#) and this table, [Article 4](#) shall prevail.

### (F) Dimensional Regulations for 3-4 Dwelling Units

| Lot, Coverage, and Building Height Standards       |             | Minimum Setbacks             |                         |
|----------------------------------------------------|-------------|------------------------------|-------------------------|
| Min. Lot Area (sq. ft.)                            | 9,000 (E)   | Front Yard (ft.)             | 15 (A)                  |
| Min. Lot Width (ft.)                               | 75 (E)      | Side Yard (one) (ft.)        | 10 (H), (L)             |
| Max. Impervious Surface Coverage (%)               | (S)         | Side Yard (total of 2) (ft.) | 20 (H), (L)             |
| Max. Building Height of Primary Building (ft.) (Q) | 44 (V) 31.5 | Rear Yard (ft.)              | 30 (H), (L) (L),<br>(U) |
| Max. Building Height of Accessory Building         | (L)         |                              |                         |
| Max. Building Height (stories)                     | -           |                              |                         |
| Max. Lot Coverage/ Ground Coverage                 | 0.50        |                              |                         |

Where there is a discrepancy between [Article 4](#) and this table, [Article 4](#) shall prevail.



## Section 54.309 MFR, Multiple Family Residential District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | (C) Special Land Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Accessory Building or Structure</li> <li>Accessory Use, Non-Single Family Residential Lots</li> <li>Accessory Use, Single-Family Residential Lots</li> <li>Adult Foster Care, Family Home</li> <li>Adult Foster Care, Small Group Home</li> <li>Child or Day Care, Family Home</li> <li>Child or Day Care, Group Home</li> <li>Dwelling, Accessory Unit</li> <li><b>Dwelling, Intentional Community</b></li> <li>Dwelling, Multiple-Family 5+ dwelling units</li> <li>Dwelling, Quadplex</li> <li>Dwelling, Single-Family Attached</li> <li>Dwelling, Single-Family Detached</li> <li>Dwelling, Triplex</li> <li>Dwelling, Two-Family (Duplex)</li> <li>Food Production, Minor</li> <li>Foster Family Home</li> <li>Home Occupation</li> <li>Home Office</li> <li>Homestays and Vacation Home</li> <li>Outdoor Entertainment and Community Events (Temporary)</li> <li>Small Wind Energy Systems, Roof-Mounted</li> <li>Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>Supportive Housing Facility, Transitional and/or Permanent</li> </ul> | <ul style="list-style-type: none"> <li>Adult Foster Care, Large Group Home</li> <li>Bed and Breakfast</li> <li>Cemetery</li> <li>Domestic Violence Abuse Shelter</li> <li><del>Dwelling, Intentional Community</del></li> <li>Foster Family Group Home</li> <li>Fraternity or Sorority House</li> <li>Halfway House</li> <li>Hospital</li> <li>Hostel</li> <li>Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility</li> <li>Off-street Parking Lot</li> <li>Outdoor Recreation</li> <li>Public or Governmental Building</li> <li>Recreational Use, Public</li> <li>Religious Institution</li> <li>Rooming House</li> <li>School, Primary or Secondary</li> <li>School, University</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> </ul> |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

| (D) Dimensional Regulations 5+ Multiple Family Units                                                                    |                                                                                   |                              |                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------|------------------------------------------------------------------------------------------|
| Lot, Coverage, and Building Height Standards                                                                            |                                                                                   | Minimum Setbacks             |                                                                                          |
| Min. Lot Area (sq. ft.)                                                                                                 | 15,000                                                                            | Front Yard (ft.)             | 15 <a href="#">(A)</a>                                                                   |
| Min. Lot Width (ft.)                                                                                                    | 100                                                                               | Side Yard (one) (ft.)        | 15 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(M)</a>                       |
| Max. Impervious Surface Coverage (%)                                                                                    | <a href="#">(T)</a>                                                               | Side Yard (total of 2) (ft.) | 30 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(M)</a>                       |
| Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a>                                                      | <a href="#">48</a> <a href="#">36.5</a> <a href="#">(M)</a> , <a href="#">(N)</a> | Rear Yard (ft.)              | 30 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(M)</a> , <a href="#">(U)</a> |
| Max. Building Height of Accessory Building                                                                              | <a href="#">Sec 54.616(C)</a>                                                     | Required Buffer & Greenbelt  | <a href="#">(U)</a> <a href="#">(T)</a>                                                  |
| Max. Building Height (stories)                                                                                          | -                                                                                 |                              |                                                                                          |
| Max. Lot Coverage/ Ground Coverage                                                                                      | 0.50                                                                              |                              |                                                                                          |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |                                                                                   |                              |                                                                                          |

| (E) Dimensional Regulations for 3-4 Dwelling Units and other uses identified in Section 54.309 |                                                             |                              |                                                                    |
|------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------|--------------------------------------------------------------------|
| Lot, Coverage, and Building Height Standards                                                   |                                                             | Minimum Setbacks             |                                                                    |
| Min. Lot Area (sq. ft.)                                                                        | 9,000 <a href="#">(E)</a>                                   | Front Yard (ft.)             | 15 <a href="#">(A)</a>                                             |
| Min. Lot Width (ft.)                                                                           | 75 <a href="#">(E)</a>                                      | Side Yard (one) (ft.)        | 10 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(M)</a> |
| Max. Impervious Surface Coverage (%)                                                           | <a href="#">(S or T)</a>                                    | Side Yard (total of 2) (ft.) | 20 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(M)</a> |
| Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a>                             | <a href="#">48</a> <a href="#">36.5</a> <a href="#">(M)</a> | Rear Yard (ft.)              | 30 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(M)</a> |

|                                                                                                                         |                                         |                             |                         |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------|-------------------------|
|                                                                                                                         | <a href="#">(N)</a>                     |                             | <a href="#">(U)</a>     |
| Max. Building Height of Accessory Building                                                                              | <a href="#">(L) &amp; Sec 64.616(C)</a> | Required Buffer & Greenbelt | <a href="#">(U) (T)</a> |
| Max. Building Height (stories)                                                                                          | -                                       |                             |                         |
| Max. Lot Coverage/ Ground Coverage                                                                                      | 0.50                                    |                             |                         |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |                                         |                             |                         |

| (F) Dimensional Regulations for 1-2 Dwelling Units                                                                      |                                                        |                              |                                                                 |
|-------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|------------------------------|-----------------------------------------------------------------|
| Lot, Coverage, and Building Height Standards                                                                            |                                                        | Minimum Setbacks             |                                                                 |
| Min. Lot Area (sq. ft.)                                                                                                 | 6,000 <a href="#">(C)</a>                              | Front Yard (ft.)             | 15 <a href="#">(A)</a>                                          |
| Min. Lot Width (ft.)                                                                                                    | 50 <a href="#">(D)</a>                                 | Side Yard (one) (ft.)        | <a href="#">5</a> 10 <a href="#">(L)</a>                        |
| Max. Impervious Surface Coverage (%)                                                                                    | <a href="#">(S)</a>                                    | Side Yard (total of 2) (ft.) | <a href="#">13</a> 20 <a href="#">(L)</a>                       |
| Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a>                                                      | <a href="#">44</a> <a href="#">(V)</a> <del>31.5</del> | Rear Yard (ft.)              | <a href="#">20</a> 30 <a href="#">(L)</a> , <a href="#">(U)</a> |
| Max. Building Height of Accessory Building                                                                              | <a href="#">(L)</a>                                    | Required Buffer & Greenbelt  | <a href="#">(U) (T)</a>                                         |
| Max. Building Height (stories)                                                                                          | -                                                      |                              |                                                                 |
| Max. Lot Coverage/ Ground Coverage                                                                                      | -                                                      |                              |                                                                 |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |                                                        |                              |                                                                 |

## Section 54.310 MHP, Mobile Home Park District

| (A) Intent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>The MHP is intended to provide for the location and regulation of mobile home parks. It is intended that mobile home parks be provided with necessary community services in a setting that provides a high quality of life for residents. This district should be located in areas where it will be compatible with adjacent land uses.</p> <p>The regulations established by State law (Michigan Public Act 96 of 1987, as amended) and the Manufactured Housing Commission Rules govern all mobile home parks. When regulations in this Section exceed the State law or the Manufactured Housing Commission Rules, they are intended to ensure that mobile home parks meet the development and site plan standards established by this Ordinance for other comparable residential development and to promote health, safety, and welfare of the City's residents.</p> |

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                        | (C) Special Land Uses                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Accessory Building or Structure</li> <li>Adult Foster Care, Family Home</li> <li>Child or Day Care, Family Home</li> <li>Food Production, Minor</li> <li>Mobile Home Park</li> <li>Outdoor Entertainment and Community Events (Temporary)</li> <li>Small Wind Energy Systems, Roof-Mounted</li> <li>Solar Energy Systems, &lt;20kw- Accessory Use</li> </ul> | <ul style="list-style-type: none"> <li>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> </ul> |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                                                                   |                                                                                                       |

| (D) Dimensional Regulations        |
|------------------------------------|
| See <a href="#">Section 54.631</a> |

| (E) References to Additional Standards |
|----------------------------------------|
|----------------------------------------|

|                                                             |                                                                      |                                                               |
|-------------------------------------------------------------|----------------------------------------------------------------------|---------------------------------------------------------------|
| <b>Definitions</b><br><a href="#">Article 2</a>             | <b>Steep Slopes and Ridgelines</b><br><a href="#">Section 54.806</a> | <b>Zoning Permits</b><br><a href="#">Section 54.1401</a>      |
| <b>Riparian Buffers</b><br><a href="#">Section 54.804</a>   | <b>Signs</b><br><a href="#">Article 11</a>                           | <b>Site Plan Review</b><br><a href="#">Section 54.1402</a>    |
| <b>Wetland Protection</b><br><a href="#">Section 54.805</a> | <b>Nonconformities</b><br><a href="#">Article 12</a>                 | <b>Accessory Structures</b><br><a href="#">Section 54.705</a> |

## Section 54.311 M-U, Mixed-Use District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | (C) Special Land Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• Accessory Use, Non-Single Family Residential Lots</li> <li>• Accessory Use, Single-Family Residential Lots</li> <li>• Adult Foster Care, Family Home</li> <li>• Adult Foster Care, Small Group Home</li> <li>• Child Care Center or Day Care Center</li> <li>• Child or Day Care, Family Home</li> <li>• Child or Day Care, Group Home</li> <li>• Drive-Through Uses</li> <li>• Dwelling, Accessory Unit</li> <li>• Dwelling, Live/Work</li> <li>• Dwelling, Multiple-Family 5+ dwelling units</li> <li>• Dwelling, Quadplex</li> <li>• Dwelling, Single-Family Attached</li> <li>• Dwelling, Single-Family Detached</li> <li>• Dwelling, Triplex</li> <li>• Dwelling, Two-Family (Duplex)</li> <li>• Emergency Services</li> <li>• Farmers' Markets</li> <li>• Food Production, Minor</li> <li>• Foster Family Home</li> <li>• Health Services</li> <li>• Home Occupation</li> <li>• Home Office</li> <li>• Homestays and Vacation Home</li> <li>• Hospice</li> <li>• Indoor Recreation</li> <li>• Manufacturing, Light – Low Impact</li> <li>• Medical Hospital Related Accessory Uses</li> <li>• Medical Hospital Related Office or Uses</li> <li>• Office, Medical</li> <li>• Office, Professional</li> <li>• Outdoor Entertainment and Community Events (Temporary)</li> <li>• Outdoor Food and Non-Alcoholic Beverage Service</li> <li>• Outdoor Recreation</li> <li>• Public or Governmental Building</li> <li>• Religious Institution</li> <li>• Restaurant, Indoor Service</li> <li>• Restaurant with Outdoor Food &amp; Non-Alcoholic Beverage Service</li> <li>• Retail Business, Indoor</li> </ul> | <ul style="list-style-type: none"> <li>• Bar</li> <li>• Bed and Breakfast</li> <li>• Bed and Breakfast Inn</li> <li>• Domestic Violence Abuse Shelter</li> <li>• Dwelling, Intentional Community</li> <li>• Foster Family Group Home</li> <li>• Fraternity or Sorority House</li> <li>• Fuel Dispensing Uses, including Service Stations</li> <li>• Halfway House</li> <li>• Homeless Shelter</li> <li>• Hospital</li> <li>• Hospital Hospitality House</li> <li>• Hostel</li> <li>• Hotel or Motel</li> <li>• Manufacturing, Light– Medium Impact</li> <li>• Marihuana Safety Compliance Facility</li> <li>• Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility</li> <li>• Off-street Parking Lot</li> <li>• Outdoor Entertainment and Community Events (Principal or Accessory Use)</li> <li>• Outdoor Alcoholic Beverage Service</li> <li>• Recreational Use, Public</li> <li>• Restaurant with Outdoor Alcoholic Beverage Service</li> <li>• Rooming House</li> <li>• School, Primary or Secondary</li> <li>• School, University</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> <li>• Supportive Housing Facility, Transitional and/or Permanent</li> <li>• Vehicle Repair and Service</li> </ul> |

|                                                                                                                                                                                                                                                                                                                                                    |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <ul style="list-style-type: none"> <li>Retail Sales <b>and Service Areas</b>, Outdoor Temporary</li> <li>Service Establishment</li> <li>Small Wind Energy Systems, Roof-Mounted</li> <li>Solar Energy Systems, &lt;20kw- Accessory Use</li> <li><b>Wholesale Trade Establishment</b></li> <li>Veterinary Clinic (Domestic Animals Only)</li> </ul> |  |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                  |  |

| (D) Dimensional Regulations                                                                                             |                                                 |                              |                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|------------------------------|------------------------------------------------------------------------------------------|
| Lot, Coverage, and Building Height Standards                                                                            |                                                 | Minimum Setbacks             |                                                                                          |
| Min. Lot Area (sq. ft.)                                                                                                 | 4,800 <a href="#">(C)</a> , <a href="#">(E)</a> | Front Yard (ft.)             | 0 <a href="#">(E)</a> , <a href="#">(F)</a> , <a href="#">(G)</a>                        |
| Min. Lot Width (ft.)                                                                                                    | 40 <a href="#">(D)</a> , <a href="#">(E)</a>    | Side Yard (one) (ft.)        | 5 <a href="#">(I)</a> , <a href="#">(L)</a> , <a href="#">(N)</a>                        |
| Max. Impervious Surface Coverage (%)                                                                                    | <a href="#">(S or T)</a>                        | Side Yard (total of 2) (ft.) | 13 <a href="#">(I)</a> , <a href="#">(L)</a> , <a href="#">(N)</a>                       |
| Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a>                                                      | 48 44 <a href="#">(N)</a>                       | Rear Yard (ft.)              | 20 <a href="#">(J)</a> , <a href="#">(L)</a> , <a href="#">(N)</a> , <a href="#">(U)</a> |
| Max. Building Height of Accessory Building                                                                              | <a href="#">(L)</a>                             | Required Buffer & Greenbelt  | <a href="#">(U)</a> <a href="#">(T)</a>                                                  |
| Max. Building Height (stories)                                                                                          | -                                               |                              |                                                                                          |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |                                                 |                              |                                                                                          |

## Section 54.312 CBD, Central Business District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | (C) Special Land Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Accessory Building or Structure</li> <li>Accessory Use, Non-Single Family Residential Lots</li> <li>Adult Foster Care, Family Home</li> <li>Bar</li> <li>Child or Day Care, Family Home</li> <li>Child Care Center or Day Care Center</li> <li>Drive-Through Uses</li> <li>Dwelling, Live/Work</li> <li>Dwelling, Accessory Unit</li> <li>Dwelling, Multiple Family 5+ dwelling units</li> <li>Dwelling, Quadplex</li> <li>Dwelling, Two-Family (Duplex)</li> <li>Dwelling, Triplex</li> <li>Emergency Services</li> <li>Farmers' Markets</li> <li>Food Production, Minor</li> <li>Foster Family Home</li> <li>Health Services</li> <li>Home Occupation</li> <li>Home Office</li> <li>Homestays and Vacation Home</li> <li>Hospice</li> <li>Indoor Recreation</li> <li>Light Vehicle/Equipment Sales and Display</li> <li>Manufacturing, Light- Low Impact</li> <li>Medical Hospital Related Accessory Uses</li> <li>Medical Hospital Related Office or Uses</li> </ul> | <ul style="list-style-type: none"> <li>Accessory Use, Single-Family Residential Lots</li> <li>Bed and Breakfast</li> <li>Bed and Breakfast Inn</li> <li>Domestic Violence Abuse Shelter</li> <li>Dwelling, Intentional Community</li> <li>Dwelling, Single-Family Attached</li> <li>Dwelling, Single-Family Detached</li> <li>Foster Family Group Home</li> <li>Fraternity or Sorority House</li> <li>Fuel Dispensing Uses, including Service Stations</li> <li>Homeless Shelter</li> <li>Hospital</li> <li>Hospital Hospitality House</li> <li>Hostel</li> <li>Hotel or Motel</li> <li>Manufacturing, Light – Medium Impact</li> <li>Marihuana Designated Consumption Establishment</li> <li>Marihuana Educational Research</li> <li>Marihuana Grower – Class A</li> <li>Marihuana Microbusiness – Light Manufacturing</li> <li>Marihuana Processor – Light Manufacturing</li> <li>Marihuana Retailer</li> <li>Marihuana Safety Compliance Facility</li> <li>Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility</li> <li>Off-street Parking Lot</li> <li>Recreational Use, Public</li> </ul> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Office, Medical</li> <li>Office, Professional</li> <li>Outdoor Alcoholic Food and Beverage Service</li> <li>Outdoor Entertainment and Community Events (Principal, Temporary, or Accessory Use)</li> <li>Outdoor Food and Non-Alcoholic Beverage Service</li> <li>Outdoor Recreation</li> <li>Public or Governmental Building</li> <li>Restaurant, Indoor Service</li> <li>Retail Business, Indoor</li> <li>Restaurant with Outdoor Food &amp; Non-Alcoholic Beverage Service</li> <li>Restaurant with Outdoor Alcoholic Beverage Service</li> <li>Retail Sales <b>and Service Areas</b>, Outdoor Temporary</li> <li>Small Wind Energy Systems, Roof-Mounted</li> <li>Solar Energy Systems, &lt;20kw- Accessory Use</li> <li><b>Wholesale Trade Establishment</b></li> <li>Veterinary Clinic (Domestic Animals Only)</li> </ul> | <ul style="list-style-type: none"> <li>Religious Institution</li> <li>Rooming House</li> <li>School, Primary or Secondary</li> <li>School, University</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> <li>Supportive Housing Facility, Transitional and/or Permanent</li> <li>Vehicle Repair and Service</li> <li>Wireless Telecommunications Facilities</li> </ul> |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

| (D) Dimensional Regulations                                                                                             |                          |                                  |                                               |
|-------------------------------------------------------------------------------------------------------------------------|--------------------------|----------------------------------|-----------------------------------------------|
| Lot, Coverage, and Building Height Standards                                                                            |                          | Minimum Setbacks                 |                                               |
| Min. Lot Area (sq. ft.)                                                                                                 | None                     | Front Yard (ft.)                 | 0                                             |
| Min. Lot Width (ft.)                                                                                                    | 24                       | Front Yard (ft.) Maximum Setback | 10                                            |
| Max. Impervious Surface Coverage (%)                                                                                    | <a href="#">(S or T)</a> | Side Yard (one) (ft.)            | 5 <a href="#">(I)</a>                         |
| Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a>                                                      | 74                       | Side Yard (total of 2) (ft.)     | 10 <a href="#">(I)</a>                        |
| Max. Building Height of Accessory Building <a href="#">(L)</a>                                                          | 18                       | Rear Yard (ft.)                  | 10 <a href="#">(J)</a><br><a href="#">(U)</a> |
| Max. Building Height (stories)                                                                                          | -                        | Required Buffer & Greenbelt      | <a href="#">(U)</a> <a href="#">(J)</a>       |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |                          |                                  |                                               |

## Section 54.313 GC, General Commercial District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | (C) Special Land Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Accessory Building or Structure</li> <li>Accessory Use, Non-Single Family Residential Lots</li> <li>Bar</li> <li>Child Care Center or Day Care Center</li> <li>Drive-Through Uses</li> <li>Emergency Services</li> <li>Farmers' Markets</li> <li>Food Production, Minor</li> <li>Fuel Dispensing Uses, including Service Stations</li> <li>Health Services</li> <li><b>Heavy Vehicle/Equipment Sales, Rental, and Display</b></li> <li>Hospice</li> <li>Hotel or Motel</li> </ul> | <ul style="list-style-type: none"> <li>Hospital</li> <li>Hostel</li> <li>Manufacturing, Light– Medium Impact</li> <li>Marihuana Designated Consumption Establishment</li> <li>Marihuana Educational Research</li> <li>Marihuana Grower – Class A</li> <li>Marihuana Grower – Class B</li> <li>Marihuana Grower – Class C</li> <li>Marihuana Grower – Excess</li> <li>Marihuana Microbusiness Class A and Light Manufacturing</li> <li>Marihuana Processor – Light Manufacturing</li> <li>Marihuana Retailer</li> </ul> |

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Indoor Recreation</li> <li>Light Vehicle/Equipment Sales and Display</li> <li>Manufacturing, Light – Low Impact</li> <li>Medical Hospital Related Accessory Uses</li> <li>Medical Hospital Related Office or Uses</li> <li>Office, Medical</li> <li>Office, Professional</li> <li>Outdoor Alcoholic Beverage Service</li> <li>Outdoor Entertainment and Community Events (Temporary Use)</li> <li>Outdoor Food and Non-Alcoholic Beverage Service</li> <li>Outdoor Recreation</li> <li>Public or Governmental Building</li> <li>Religious Institution</li> <li>Restaurant, Indoor Service</li> <li>Restaurant with Outdoor Food &amp; Non-Alcoholic Beverage Service</li> <li>Restaurant with Outdoor Alcoholic Beverage Service</li> <li>Retail Business, Indoor</li> <li>Retail Sales <b>and Service Areas</b>, Outdoor Temporary</li> <li>Service Establishment</li> <li>Shooting Range, Indoor</li> <li>Small Wind Energy Systems, Roof-Mounted</li> <li>Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>Storage, Open/<b>Outdoor</b></li> <li>Vehicle Repair and Service</li> <li>Veterinary Clinic (Domestic Animals Only)</li> <li>Wholesale Trade Establishment</li> </ul> | <ul style="list-style-type: none"> <li>Marihuana Safety Compliance Facility</li> <li>Marihuana Secure Transporters</li> <li>Off-street Parking Lot</li> <li>Outdoor Entertainment and Community Events (Principal &amp; Accessory Use)</li> <li>Pet Boarding Facility</li> <li>Recreational Use, Public</li> <li>Retail Business, Outdoor Permanent</li> <li>Rooming House</li> <li>Small Wind Energy Systems, Tower-Mounted</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> <li><b>Storage Facility, Self</b></li> <li><b>Storage Facility, Self – Accessory Use</b></li> <li><b>Storage, Indoor</b></li> <li><b>Storage, Indoor – Accessory Use</b></li> <li><b>Warehousing</b></li> <li>Wireless Telecommunications Facilities</li> </ul> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Where there is a discrepancy between [Section 54.306](#) and this table, [Section 54.306](#) shall prevail.

| (D) Dimensional Regulations                                      |            |                                        |                       |
|------------------------------------------------------------------|------------|----------------------------------------|-----------------------|
| <i>Lot, Coverage, and Building Height Standards</i>              |            | <i>Minimum Setbacks</i>                |                       |
| <i>Min. Lot Area (sq. ft.)</i>                                   | None       | <i>Front Yard (ft.)</i>                | 0 <b>(F), (G)</b>     |
| <i>Min. Lot Width (ft.)</i>                                      | 24         | <i>Side Yard (one) (ft.)</i>           | 15 <b>(I)</b>         |
| <i>Max. Impervious Surface Coverage (%)</i>                      | <b>(T)</b> | <i>Side Yard (total of 2) (ft.)</i>    | 30 <b>(I)</b>         |
| <i>Max. Building Height of Primary Building (ft.) <b>(Q)</b></i> | 40         | <i>Rear Yard (ft.)</i>                 | 20 <b>(U)</b>         |
| <i>Max. Building Height of Accessory Building <b>(L)</b></i>     | 24         | <i>Required Buffer &amp; Greenbelt</i> | <b>(U) <b>(T)</b></b> |
| <i>Max. Building Height (stories)</i>                            | -          |                                        |                       |

Where there is a discrepancy between [Article 4](#) and this table, [Article 4](#) shall prevail.

## Section 54.314 RC, Regional Commercial District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                              | (C) Special Land Uses                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Accessory Building or Structure</li> <li>Accessory Use, Non-Single Family Residential Lots</li> <li>Bar</li> <li>Child Care Center or Day Care Center</li> <li>Drive-Through Uses</li> <li>Emergency Services</li> <li>Farmers' Markets</li> </ul> | <ul style="list-style-type: none"> <li>Hospital</li> <li>Manufacturing, Light – Medium Impact</li> <li>Marihuana Educational Research</li> <li>Marihuana Grower – Class A</li> <li>Marihuana Grower – Class B</li> <li>Marihuana Grower – Class C</li> <li>Marihuana Grower – Excess</li> </ul> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Food Production, Minor</li> <li>• Fuel Dispensing Uses, including Service Stations</li> <li>• Health Services</li> <li>• <b>Heavy Vehicle/Equipment Sales, Rental, and Display</b></li> <li>• Hospice</li> <li>• Hotel or Motel</li> <li>• Indoor Recreation</li> <li>• Light Vehicle/Equipment Sales and Display</li> <li>• Manufacturing, Light – Low Impact</li> <li>• Medical Hospital Related Accessory Uses</li> <li>• Medical Hospital Related Office or Uses</li> <li>• Office, Medical</li> <li>• Office, Professional</li> <li>• Outdoor Alcoholic Beverage Service</li> <li>• Outdoor Entertainment and Community Events (Temporary Use)</li> <li>• Outdoor Food and Non-Alcoholic Beverage Service</li> <li>• Outdoor Recreation</li> <li>• Public or Governmental Building</li> <li>• Religious Institution</li> <li>• Restaurant, Indoor Service</li> <li>• Restaurant with Outdoor Food &amp; Non-Alcoholic Beverage Service</li> <li>• Restaurant with Outdoor Alcoholic Beverage Service</li> <li>• Retail Business, Indoor</li> <li>• Retail Sales <b>and Service Areas</b>, Outdoor Temporary</li> <li>• Service Establishment</li> <li>• Shooting Range, Indoor</li> <li>• Small Wind Energy Systems, Roof-Mounted</li> <li>• Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> <li>• <b>Storage Facility, Self</b></li> <li>• <b>Storage Facility, Self – Accessory Use</b></li> <li>• <b>Storage, Indoor</b></li> <li>• <b>Storage, Indoor – Accessory Use</b></li> <li>• Storage, Open/<b>Outdoor</b></li> <li>• Vehicle Repair and Service</li> <li>• Veterinary Clinic (Domestic Animals Only)</li> <li>• Wholesale Trade Establishment</li> </ul> | <ul style="list-style-type: none"> <li>• Marihuana Microbusiness – Class A and Light Manufacturing</li> <li>• Marihuana Processor – Light Manufacturing</li> <li>• Marihuana Retailer</li> <li>• Marihuana Safety Compliance Facility</li> <li>• Marihuana Secure Transporters</li> <li>• Off-street Parking Lot</li> <li>• Outdoor Entertainment and Community Events (Principal &amp; Accessory Use)</li> <li>• Pet Boarding Facility</li> <li>• Recreational Use, Public</li> <li>• Retail Business, Outdoor Permanent</li> <li>• Small Wind Energy Systems, Tower-Mounted</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>• Storage, Bulk</li> <li>• Warehousing/<del>Storage Facilities</del></li> <li>• Wholesaling Operations</li> <li>• Wireless Telecommunications Facilities</li> </ul> |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

| (D) Dimensional Regulations                                                                                             |                     |                                        |                                         |
|-------------------------------------------------------------------------------------------------------------------------|---------------------|----------------------------------------|-----------------------------------------|
| <i><b>Lot, Coverage, and Building Height Standards</b></i>                                                              |                     | <i><b>Minimum Setbacks</b></i>         |                                         |
| <i>Min. Lot Area (sq. ft.)</i>                                                                                          | None                | <i>Front Yard (ft.)</i>                | 30                                      |
| <i>Min. Lot Width (ft.)</i>                                                                                             | 24                  | <i>Side Yard (one) (ft.)</i>           | 15                                      |
| <i>Max. Impervious Surface Coverage (%)</i>                                                                             | <a href="#">(T)</a> | <i>Side Yard (total of 2) (ft.)</i>    | 30                                      |
| <i>Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a></i>                                               | 40                  | <i>Rear Yard (ft.)</i>                 | 20, <a href="#">(U)</a>                 |
| <i>Max. Building Height of Accessory Building <a href="#">(L)</a></i>                                                   | 24                  | <i>Required Buffer &amp; Greenbelt</i> | <a href="#">(U)</a> <a href="#">(T)</a> |
| <i>Max. Building Height (stories)</i>                                                                                   | -                   |                                        |                                         |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |                     |                                        |                                         |



## Section 54.315 M, Municipal District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | (C) Special Land Uses                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Accessory Building or Structure</li> <li>Accessory Use, Non-Single Family Residential Lots</li> <li>Agriculture-Like Operation, including Forestry</li> <li>Cemetery</li> <li>Farmers' Markets</li> <li>Food Production, Minor</li> <li>Fuel Dispensing Uses, including Service Stations</li> <li>Indoor Recreation</li> <li>Major Repair and Maintenance Operations</li> <li>Manufacturing, Light – Low Impact</li> <li>Manufacturing, Light – Medium Impact</li> <li>Office, Professional</li> <li>Outdoor Entertainment and Community Events (Principal, Temporary, or Accessory Use)</li> <li>Outdoor Recreation</li> <li>Public or Governmental Building</li> <li>Recreational Use, Public</li> <li>School, Primary or Secondary</li> <li>School, University</li> <li>Small Wind Energy Systems, Roof-Mounted</li> <li>Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> <li>Storage, Bulk</li> <li>Storage, Open/Outdoor</li> <li>Warehousing</li> <li>Wireless Telecommunications Facilities</li> </ul> | <ul style="list-style-type: none"> <li>Off-street Parking Lot</li> <li>Port Facilities and Docks</li> <li>Recycling Collection and Transfer Stations</li> <li>Small Wind Energy Systems, Tower-Mounted</li> <li>Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.</li> </ul> |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                        |

| (D) Dimensional Regulations                                                                                             |      |                              |      |
|-------------------------------------------------------------------------------------------------------------------------|------|------------------------------|------|
| Lot, Coverage, and Building Height Standards                                                                            |      | Minimum Setbacks             |      |
| Min. Lot Area (sq. ft.)                                                                                                 | None | Front Yard (ft.)             | None |
| Min. Lot Width (ft.)                                                                                                    | 24   | Side Yard (one) (ft.)        | None |
| Max. Impervious Surface Coverage (%)                                                                                    | (T)  | Side Yard (total of 2) (ft.) | None |
| Max. Building Height of Primary Building (ft.) (Q)                                                                      | None | Rear Yard (ft.)              | None |
| Max. Building Height of Accessory Building (L)                                                                          | 24   |                              |      |
| Max. Building Height (stories)                                                                                          | -    |                              |      |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |      |                              |      |



## Section 54.316 C, Civic District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | (C) Special Land Uses                                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• Accessory Use, Non-Single Family Residential Lots</li> <li>• Agriculture-Like Operation, including Forestry</li> <li>• Cemetery</li> <li>• Farmers' Markets</li> <li>• Food Production, Minor</li> <li>• Fuel Dispensing Uses, including Service Stations</li> <li>• Indoor Recreation</li> <li>• <b>Major Repair and Maintenance Operations</b></li> <li>• Manufacturing, Light – Low Impact</li> <li>• Office, Professional</li> <li>• Outdoor Entertainment and Community Events (Principal, Temporary, or Accessory Use)</li> <li>• Outdoor Recreation</li> <li>• Public or Governmental Building</li> <li>• Recreational Use, Public</li> <li>• School, Primary or Secondary</li> <li>• School, University</li> <li>• Small Wind Energy Systems, Roof-Mounted</li> <li>• Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> <li>• <b>Storage, Bulk</b></li> <li>• Storage, Open/<b>Outdoor</b></li> <li>• Wireless Telecommunications Facilities</li> </ul> | <ul style="list-style-type: none"> <li>• Manufacturing, Light – Medium Impact</li> <li>• Marihuana Educational Research</li> <li>• Off-street Parking Lot</li> <li>• Port Facilities and Docks</li> <li>• Small Wind Energy Systems, Tower-Mounted</li> <li>• Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.</li> <li>• <b>Warehousing</b></li> </ul> |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                    |

| (D) Dimensional Regulations                                                                                             |                     |                              |                |
|-------------------------------------------------------------------------------------------------------------------------|---------------------|------------------------------|----------------|
| Lot, Coverage, and Building Height Standards                                                                            |                     | Minimum Setbacks             |                |
| Min. Lot Area (sq. ft.)                                                                                                 | None                | Front Yard (ft.)             | None           |
| Min. Lot Width (ft.)                                                                                                    | 24                  | Side Yard (one) (ft.)        | 5              |
| Max. Impervious Surface Coverage (%)                                                                                    | <a href="#">(T)</a> | Side Yard (total of 2) (ft.) | 10             |
| Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a>                                                      | 60                  | Rear Yard (ft.)              | 20, <b>(U)</b> |
| Max. Building Height of Accessory Building <a href="#">(L)</a>                                                          | 24                  |                              |                |
| Max. Building Height (stories)                                                                                          | -                   |                              |                |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |                     |                              |                |

## Section 54.317 IM, Industrial/Manufacturing District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | (C) Special Land Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Accessory Building or Structure</li> <li>Accessory Use, Non-Single Family Residential Lots</li> <li>Food Production, Minor</li> <li>Fuel Dispensing Uses, including Service Stations</li> <li>Heavy Vehicle/Equipment Sales, Rental, and Display</li> <li>Indoor Recreation</li> <li>Manufacturing, Light – Low Impact</li> <li>Manufacturing, Light – Medium Impact</li> <li>Office, Medical</li> <li>Office, Professional</li> <li>Outdoor Entertainment and Community Events (Temporary)</li> <li>Public or Governmental Building</li> <li>Railroad Facilities</li> <li>Religious Institution</li> <li>Retail Business, Indoor</li> <li>Service Establishment</li> <li>Shooting Range, Indoor</li> <li>Small Wind Energy Systems, Roof-Mounted</li> <li>Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> <li>Storage, Bulk</li> <li>Storage Facility, Self</li> <li>Storage Facility, Self – Accessory Use</li> <li>Storage, Indoor</li> <li>Storage, Indoor – Accessory Use</li> <li>Storage, Open/Outdoor</li> <li>Vehicle Repair and Service</li> <li>Veterinary Clinic (Domestic Animals Only)</li> <li>Warehousing/Storage Facilities</li> <li>Wholesale Trade Establishment</li> <li>Wholesaling Operations</li> <li>Wireless Telecommunications Facilities</li> </ul> | <ul style="list-style-type: none"> <li>Adult Entertainment Uses</li> <li>Major Repair and Maintenance Operations</li> <li>Marihuana Educational Research</li> <li>Marihuana Grower – Class A</li> <li>Marihuana Grower – Class B</li> <li>Marihuana Grower – Class C</li> <li>Marihuana Grower – Excess</li> <li>Marihuana Microbusiness – Class A and Light Manufacturing</li> <li>Marihuana Microbusiness – Heavy Manufacturing</li> <li>Marihuana Processor – Light Manufacturing</li> <li>Marihuana Processor – Heavy Manufacturing</li> <li>Marihuana Retailer</li> <li>Marihuana Safety Compliance Facility</li> <li>Marihuana Secure Transporters</li> <li>Manufacturing, Heavy</li> <li>Natural Resource Extraction and Processing Operations</li> <li>Off-street Parking Lot</li> <li>Pet Boarding Facility</li> <li>Retail Business, Outdoor Permanent</li> <li>Small Wind Energy Systems, Tower-Mounted</li> <li>Storage, Bulk</li> <li>Utility Electrical Power Generation</li> </ul> |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

| (D) Dimensional Regulations                                                                                             |        |                              |         |
|-------------------------------------------------------------------------------------------------------------------------|--------|------------------------------|---------|
| Lot, Coverage, and Building Height Standards                                                                            |        | Minimum Setbacks             |         |
| Min. Lot Area (sq. ft.)                                                                                                 | None   | Front Yard (ft.)             | 40      |
| Min. Lot Width (ft.)                                                                                                    | 24     | Side Yard (one) (ft.)        | 20      |
| Max. Impervious Surface Coverage (%)                                                                                    | (T)    | Side Yard (total of 2) (ft.) | 40      |
| Max. Building Height of Primary Building (ft.) (Q)                                                                      | 80 (P) | Rear Yard (ft.)              | 40 (U)  |
| Max. Building Height of Accessory Building (L)                                                                          | 60 (P) | Required Buffer & Greenbelt  | (U) (T) |
| Max. Building Height (stories)                                                                                          | -      |                              |         |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |        |                              |         |

## Section 54.318 CR, Conservation and Recreation District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | (C) Special Land Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Accessory Building or Structure</li> <li>Accessory Use, Non-Single Family Residential Lots</li> <li>Agriculture-Like Operation, including Forestry</li> <li>Food Production, Minor</li> <li>Outdoor Entertainment and Community Events (Accessory, Temporary, and Principal)</li> <li>Outdoor Food and Non-Alcoholic Beverage Service</li> <li>Outdoor Recreation</li> <li>Public or Governmental Building</li> <li>Recreational Use, Public</li> <li>Restaurant with Outdoor Food &amp; Non-Alcoholic Beverage Service</li> <li>Small Wind Energy Systems, Roof-Mounted</li> <li>Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>Storage, Open/Outdoor</li> </ul> | <ul style="list-style-type: none"> <li>Natural Resource Extraction and Processing Operations</li> <li>Outdoor Alcoholic Beverage Service</li> <li>Port Facilities and Docks</li> <li>Recreational Use, Land Intensive</li> <li>Restaurant with Outdoor Alcoholic Beverage Service</li> <li>Small Wind Energy Systems, Tower-Mounted</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> <li>Storage, Bulk</li> <li>Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.</li> <li>Wireless Telecommunications Facilities</li> </ul> |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| (D) Dimensional Regulations                                                                                             |                     |                                     |                                               |
|-------------------------------------------------------------------------------------------------------------------------|---------------------|-------------------------------------|-----------------------------------------------|
| <i>Lot, Coverage, and Building Height Standards</i>                                                                     |                     | <i>Minimum Setbacks</i>             |                                               |
| <i>Min. Lot Area (sq. ft.)</i>                                                                                          | None                | <i>Front Yard (ft.)</i>             | 15                                            |
| <i>Min. Lot Width (ft.)</i>                                                                                             | 24                  | <i>Side Yard (one) (ft.)</i>        | 50                                            |
| <i>Max. Impervious Surface Coverage (%)</i>                                                                             | <a href="#">(T)</a> | <i>Side Yard (total of 2) (ft.)</i> | 100                                           |
| <i>Max. Building Height of Primary Building (ft.)</i> <a href="#">(Q)</a>                                               | 36.5                | <i>Rear Yard (ft.)</i>              | 20 <a href="#">(R)</a><br><a href="#">(U)</a> |
| <i>Max. Building Height of Accessory Building</i> <a href="#">(L)</a>                                                   | 18                  |                                     |                                               |
| <i>Max. Building Height (stories)</i>                                                                                   | -                   |                                     |                                               |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |                     |                                     |                                               |

## Section 54.319 BLP, Board of Light and Power District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | (C) Special Land Uses                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Accessory Building or Structure</li> <li>Accessory Use, Non-Single Family Residential Lots</li> <li>Agriculture-Like Operation, including Forestry</li> <li>Food Production, Minor</li> <li>Fuel Dispensing Uses, including Service Stations</li> <li>Major Repair and Maintenance Operations</li> <li>Manufacturing, Light – Low Impact</li> <li>Manufacturing, Light – Medium Impact</li> <li>Manufacturing, Heavy</li> <li>Natural Resource Extraction and Processing Operations</li> <li>Outdoor Entertainment and Community Events (Temporary)</li> <li>Outdoor Recreation</li> </ul> | <ul style="list-style-type: none"> <li>Off-street Parking Lot</li> <li>Port Facilities and Docks</li> <li>Recreational Use, Land Intensive</li> <li>Small Wind Energy Systems, Tower-Mounted</li> </ul> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <ul style="list-style-type: none"> <li>Public or Governmental Building</li> <li>Recreational Use, Public</li> <li>Small Wind Energy Systems, Roof-Mounted</li> <li>Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> <li>Storage, Bulk</li> <li>Storage, Open/Outdoor</li> <li>Utility Electrical Power Generation</li> <li>Warehousing</li> <li>Wireless Telecommunications Facilities</li> </ul> |  |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                                                                                                                                                                                                               |  |

| (D) Dimensional Regulations                                                                                             |                     |                              |                                         |
|-------------------------------------------------------------------------------------------------------------------------|---------------------|------------------------------|-----------------------------------------|
| Lot, Coverage, and Building Height Standards                                                                            |                     | Minimum Setbacks             |                                         |
| Min. Lot Area (sq. ft.)                                                                                                 | None                | Front Yard (ft.)             | 40                                      |
| Min. Lot Width (ft.)                                                                                                    | 24                  | Side Yard (one) (ft.)        | 20                                      |
| Max. Impervious Surface Coverage (%)                                                                                    | <a href="#">(T)</a> | Side Yard (total of 2) (ft.) | 40                                      |
| Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a>                                                      | None                | Rear Yard (ft.)              | 40 <a href="#">(U)</a>                  |
| Max. Building Height of Accessory Building <a href="#">(L)</a>                                                          | 24                  | Required Buffer & Greenbelt  | <a href="#">(U)</a> <a href="#">(T)</a> |
| Max. Building Height (stories)                                                                                          | -                   |                              |                                         |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |                     |                              |                                         |

## Section 54.322 Third Street Corridor [\(TSC\)](#) District Form-Based Code

### (A) Third Street Corridor District Form-Based Code Introduction.

#### (3) [Applicability and](#) Pre-Existing Conditions

[\(a\)](#) The provisions of this Article apply to all proposals for the development of new principal structures, and to the remodeling of existing structures for changes in land use(s), and/or if the proposal would create a **substantial modification** (see definitions).

[\(b\)](#) ~~(a)~~ Existing buildings and appurtenances that do not conform to the provisions of this Section may continue in use as they are until a **substantial modification** is requested.

[\(c\)](#) ~~(b)~~ The modification of existing buildings is permitted by right if such changes result in greater conformance with the specifications of this Section.

#### (7) The Third Street Regulating Plan

[\(e\)](#) **Bicycle Parking.** Bicycle parking is to be allocated within the entire [TSC district \(both subdistricts\)](#), in accordance with [Section 54.908](#) across the Transect Zones by type, but detailed in quantity and location by land use, demand, and building size.

**(9) Definitions.** The following definitions apply to the Third Street Corridor District only, unless the term has general applicability:

(ee) **Substantial Modification:** an alteration to a building that is valued at more than 50% of the replacement cost of the entire building, if new that is estimated to cost more than 50 percent of the assessed value of the existing building at time of application.

(mm) **Use, Retail:** shall be considered to encompass all of the following:

- (i) **Retail Service:** establishments providing services, as opposed to products, to the general public, including restaurants, bars/taverns, finance, real estate and insurance, travel agencies, health and educational services, galleries, and temporary storage of recreational equipment, provided that the temporary storage is ancillary to the primary retail service.
- (ii) **Retail Specialty:** Include, but are not limited to the sale of gifts, antiques, flowers, books, jewelry, wearing apparel or craft shops making articles exclusively for sale at retail on the premises.
- (iii) **Retail Trade:** Establishments engaged in selling new goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**(B) Third Street Corridor Form-Based Code Parcel Standards.**

**(7) Use.** Buildings, as the primary element of town planning, are subject to variations in use, placement and configuration.

**Figure 24. TSC Table of Permitted Land Uses and Special Land Uses in the TSC District**

| USE                                                                              | T4 | T5 | USE                                                       | T4 | T5 |
|----------------------------------------------------------------------------------|----|----|-----------------------------------------------------------|----|----|
| <b>A. RESIDENTIAL</b>                                                            |    |    | <b>E. INSTITUTIONAL</b>                                   |    |    |
| Mixed-use building                                                               | P  | P  | Conference center                                         |    | P  |
| Multi-family dwelling ( <a href="#">Section 54.616 &amp; 54.403(E)</a> )         | P  | P  | Live theater                                              | S  | P  |
| Live-work unit ( <a href="#">Section 54.615</a> )                                | P  | P  | Movie theater                                             | S  | P  |
| Two-family dwelling ( <a href="#">Sections 54.613 &amp; 54.403 (C &amp; D)</a> ) | P  | P  | Museum                                                    | P  | P  |
| Townhouse                                                                        | P  | P  | Religious assembly ( <a href="#">Section 54.642</a> )     | P  | P  |
| Single-family dwelling ( <a href="#">Section 54.617</a> )                        | P  | P  | <b>F. AUTOMOTIVE</b>                                      |    |    |
| Group day care home ( <a href="#">Section 54.608</a> )                           | P  | P  | Gasoline                                                  | P  | P  |
| Foster family home                                                               | S  | S  | Service                                                   | P  | P  |
| Halfway house ( <a href="#">Section 54.620</a> )                                 | S  | S  | Sales                                                     | P  | P  |
| Home occupation ( <a href="#">Section 54.621</a> )                               | P  | P  | Truck maintenance ( <a href="#">Section 54.627</a> )      |    |    |
| Home office ( <a href="#">Section 54.622</a> )                                   | P  | P  | Drive-through facility ( <a href="#">Section 54.611</a> ) | P  | P  |
| Dwelling, Intentional Community ( <a href="#">Section 54.614</a> )               | S  | S  | <b>G. CIVIL SUPPORT</b>                                   |    |    |
| Family Day Care Home                                                             | P  | P  | Funeral home                                              | P  | P  |
| Adult Foster Care Family Home                                                    | P  | P  | Hospital ( <a href="#">Section 54.625</a> )               |    | S  |
| Domestic Violence Shelter ( <a href="#">Section 54.610</a> )                     | S  | S  | Medical and Dental clinic or office                       | P  | P  |
| <b>B. LODGING</b>                                                                |    |    | Veterinary clinic                                         | P  | P  |
| Hotel or Motel                                                                   | S  | P  | Pet boarding facility                                     | S  | S  |
| Bed & Breakfast Inn (up to 12 rooms) ( <a href="#">Section 54.604</a> )          | P  | P  | Cemetery ( <a href="#">Section 54.606</a> )               | S  | S  |
| Bed & Breakfast (up to 6 rooms) ( <a href="#">Section 54.603</a> )               | P  | P  | Public or Governmental Building                           | P  | P  |
| Rooming Houses and Hostels ( <a href="#">Section 54.644</a> )                    | S  | S  | Recreational Use, Public                                  | S  | S  |
| Hospital Hospitality Houses ( <a href="#">Section 54.626</a> )                   | S  | S  | <b>H. EDUCATION</b>                                       |    |    |
| Homestays and Vacation Home Rentals ( <a href="#">Section 54.624</a> )           | P  | P  | High school                                               | S  | S  |
| <b>C. OFFICE</b>                                                                 |    |    | Elementary school                                         | P  | P  |
| Office building ( <a href="#">Section 54.634</a> )                               | P  | P  | Day care center ( <a href="#">Section 54.609</a> )        | P  | P  |
| Mixed-use building                                                               | P  | P  | <b>I. INDUSTRIAL</b>                                      |    |    |

|                                                                                                                                   |   |   |                                                                                                                                                   |                  |   |
|-----------------------------------------------------------------------------------------------------------------------------------|---|---|---------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---|
| Live-work unit ( <a href="#">Section 54.615</a> )                                                                                 | P | P | Heavy industrial facility ( <a href="#">Section 54.627</a> )                                                                                      |                  |   |
| <b>D. RETAIL</b>                                                                                                                  |   |   | Light industrial facility ( <a href="#">Section 54.627</a> )                                                                                      | S                | S |
| Outdoor Entertainment and Community Events (Temporary Use) ( <a href="#">Section 54.635(B)</a> )                                  | P | P | Laboratory facility                                                                                                                               | S                | S |
|                                                                                                                                   |   |   | Mini-storage                                                                                                                                      |                  | S |
| Outdoor Entertainment and Community Events (Accessory or Principal Use) ( <a href="#">Section 54.636(C) or (D)</a> )              | S | S | Marihuana Safety Compliance Facility ( <a href="#">Section 54.629</a> )                                                                           | S                | S |
| Gallery                                                                                                                           | P | P | Warehouse                                                                                                                                         | S                | S |
| Restaurant, Indoor Service and with or without Outdoor Food and Non-Alcoholic Beverage Service ( <a href="#">Section 54.638</a> ) | P | P | <b>J. OTHER USES</b>                                                                                                                              |                  |   |
| Restaurant, with Outdoor Alcoholic Beverage Service ( <a href="#">Section 54.637</a> )                                            | P | P | Accessory Building or Structure (See <a href="#">Figure 14</a> , <a href="#">Figure 15</a> , and, as applicable, <a href="#">Section 54.705</a> ) | P                | P |
| Outdoor Alcoholic Beverage Service( <a href="#">Section 54.637</a> )                                                              | S | S | Accessory Use, Non-Single Family Residential Lots                                                                                                 | P                | P |
| Outdoor Food & Non-Alcoholic Beverage Service ( <a href="#">Section 54.638</a> )                                                  | P | P | Accessory Use, Single-Family Residential Lots                                                                                                     | P                | P |
| Retail building                                                                                                                   | P | P | Commercial Service Establishment                                                                                                                  | P                | P |
| Mixed-use building                                                                                                                | P | P | Food Production, Minor                                                                                                                            | P                | P |
| Open/outdoor market building                                                                                                      | P | P | Marihuana Education Research ( <a href="#">Section 54.629</a> )                                                                                   | S                | S |
| Retail Sales, Outdoor Temporary ( <a href="#">Section 54.639</a> )                                                                | P | P | Off-street Parking Lot                                                                                                                            | S                | S |
| Indoor Recreation                                                                                                                 | P | P | Outdoor Recreation                                                                                                                                | S                | S |
| Farmers' Markets ( <a href="#">Section 54.618</a> )                                                                               | P | P | Solar Energy Systems <20kw – Accessory Use                                                                                                        | P                | P |
| Kiosk                                                                                                                             | P | P | Wireless Telecommunications Facilities                                                                                                            | S                | S |
| Push cart                                                                                                                         | P | P | ( <a href="#">Section 54.648</a> )                                                                                                                |                  |   |
| Marihuana Retailer ( <a href="#">Section 54.629</a> )                                                                             |   | S |                                                                                                                                                   | Permitted Use    | P |
| Bar/Tavern                                                                                                                        | P | P |                                                                                                                                                   | Special Land Use | S |
| Sidewalk café on private property                                                                                                 | P | P |                                                                                                                                                   |                  |   |

### (C) Third Street Corridor Form-Based Code Parcel Standards.

#### (3) Building Specifications: Frontage Requirements

- (d) *Frontages* are divided into the following types: porch, *stoop*, *terrace*, common entry, forecourt, and *shopfront*.
- (e) The Zoning Administrator shall designate which frontage type corresponds to the building(s) on the site or are proposed to be built, and the site shall comply with the standards for that type when new construction or substantial rehabilitation is proposed.
- (i) Frontage types are limited by transect zone according to [Figure 18](#), [Figure 19](#), and [Figure 20](#).
- (ii) A *shopfront* frontage is required for all ground floor retail uses. *Shopfronts* may be combined with *terraces* and *forecourts*.
- (iii) Existing buildings that do not meet one of the frontage types do not have to be remodeled to a different type if it is not reasonable, as determined by the Zoning Administrator.
- (f) Where buildings have multiple *frontages* or multiple buildings are located on one lot, similar frontage types should be selected for all *frontages*.

#### (11) Landscape Standards

##### (b) Landscape Design Standards Applicable to All Sub-Districts.

- (iii) Proposed trees shall be a minimum height of ten (10) feet and / or ~~three (3)~~ **one and one half (1.5)** inches in caliper.
- (iv) Proposed understory trees shall be a minimum of eight (8) feet in height and/ or ~~two- and one-half (2-1/2)~~ **one and one half (1.5)** inches in caliper.

##### (g) Specific to neighborhood edges:

- (i) A landscape buffer located along common property lines shall be required between Third Street Corridor District properties and the residential properties adjacent. The landscape buffer shall be a minimum of five feet wide.
- a. Minimum of three (3) trees shall be planted within the side and rear setbacks for every 500 square feet of landscape buffer.

- b. Shrubs shall be five (5) gallon container and twenty-four (24) inches height minimum, and of a type that, at maturity, will provide a continuous opaque screen at least thirty-six (36) inches in height.
- c. Trees shall be four (4) **one and one half (1.5)** inches caliper minimum, or in the case of evergreen trees, twelve (12) feet minimum height

**Figure 28. TSC Bicycle Parking Calculations**

| This table prescribes minimum short-term bicycle parking calculations within each Transect Zone assigned to the Third Street Corridor. The calculations assume not just current but future possible bicycle mode share, not to exceed 5%. Requirements may be met within the Public <i>Frontage</i> , Private <i>Frontage</i> , building envelope, or a combination thereof. Bicycle parking provided within the Public <i>Frontage</i> must receive Administrative Approval. |                                                                         |                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-------------------------------------------------------------------------|
| SHORT-TERM BICYCLE PARKING                                                                                                                                                                                                                                                                                                                                                                                                                                                    | T4                                                                      | T5                                                                      |
| RESIDENTIAL: Single-Family                                                                                                                                                                                                                                                                                                                                                                                                                                                    | No spaces required                                                      | n/a                                                                     |
| RESIDENTIAL: Multi-Family w/ Private Garage Space for Each Unit                                                                                                                                                                                                                                                                                                                                                                                                               | Minimum of 2 spaces                                                     | Minimum of 2 spaces + 0.05 spaces / bedroom                             |
| RESIDENTIAL: Multi-Family w/o Private Garage Space for Each Unit                                                                                                                                                                                                                                                                                                                                                                                                              | Minimum of 2 spaces + 0.05 spaces / bedroom                             | Minimum of 2 spaces + 0.05 spaces / bedroom                             |
| LODGING                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Minimum of 2 spaces + 1 add'l space / 10,000 sq. ft. of floor area      | Minimum of 2 spaces + 1 add'l space / 10,000 sq. ft. of floor area      |
| OFFICE                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Minimum of 2 spaces + 1 add'l space / 10,000 sq. ft. of floor area      | Minimum of 2 spaces + 1 add'l space / 5,000 sq. ft. of floor area       |
| RETAIL                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Minimum of 2 spaces + 1 additional space / 5,000 sq. ft. of floor area  | Minimum of 2 spaces + 1 additional space / 2,500 sq. ft. of floor area  |
| RESTAURANT                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Minimum of 2 spaces + 1 additional space / 5,000 sq. ft. of floor area  | Minimum of 2 spaces + 1 additional space / 2,500 sq. ft. of floor area  |
| ENTERTAINMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Minimum of 2 spaces + 1 add'l space / 10,000 sq. ft. of floor area      | Minimum of 2 spaces + 1 additional space / 5,000 sq. ft. of floor area  |
| CIVIC: Non-assembly                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Minimum of 2 spaces + 1 add'l space / 10,000 sq. ft. of floor area      | Minimum of 2 spaces + 1 add'l space / 10,000 sq. ft. of floor area      |
| CIVIC: Assembly                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Spaces for 2% of max. expected attendance                               | Spaces for 2% of maximum expected attendance                            |
| LONG-TERM BICYCLE PARKING                                                                                                                                                                                                                                                                                                                                                                                                                                                     | T4                                                                      | T5                                                                      |
| RESIDENTIAL: Single-Family                                                                                                                                                                                                                                                                                                                                                                                                                                                    | No spaces required                                                      | n/a                                                                     |
| RESIDENTIAL: Multi-Family w/ Private Garage Space for Each Unit                                                                                                                                                                                                                                                                                                                                                                                                               | No spaces required                                                      | Minimum of 2 spaces + 0.05 spaces / bedroom                             |
| RESIDENTIAL: Multi-Family w/o Private Garage Space for Each Unit                                                                                                                                                                                                                                                                                                                                                                                                              | Minimum of 2 spaces + 0.5 spaces / bedroom                              | Minimum of 2 spaces + 0.05 spaces / bedroom                             |
| LODGING                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Minimum of 2 spaces + 1 additional space / 10,000 sq. ft. of floor area | Minimum of 2 spaces + 1 additional space / 10,000 sq. ft. of floor area |
| OFFICE                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Minimum of 2 spaces + 1 space / 10 employees                            | Minimum of 2 spaces + 1 space / 10 employees                            |
| RETAIL                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Minimum of 2 spaces + 1 space / 10 employees                            | Minimum of 2 spaces + 1 space / 10 employees                            |
| RESTAURANT                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Minimum of 2 spaces + 1 space / 10 employees                            | Minimum of 2 spaces + 1 space / 10 employees                            |
| ENTERTAINMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Minimum of 2 spaces + 1 space / 10 employees                            | Minimum of 2 spaces + 1 space / 10 employees                            |



|                     |                                              |                                              |
|---------------------|----------------------------------------------|----------------------------------------------|
| CIVIC: Non-assembly | Minimum of 2 spaces + 1 space / 10 employees | Minimum of 2 spaces + 1 space / 10 employees |
| CIVIC: Assembly     | Minimum of 2 spaces + 1 space / 20 employees | Minimum of 2 spaces + 1 space / 20 employees |

**Figure 29. TSC Bicycle Parking Types**

This table shows five common types of Bicycle Parking facilities appropriate for the Third Street Corridor and includes basic design/performance standards. Please reference the Association for Pedestrian and Bicycle Professionals Bicycle Parking Guide for more detailed design and placement guidance.

| Parking Type                                                                                                                       | T4 | T5 | Standards                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------------------|----|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Bicycle Rack</b><br>                           | P  | P  | Bicycle Racks shall be capable of securing bicycles with at least two points of contact. Simple, easily identifiable forms, like the In-verted U-rack (shown at left) should be used. Racks may be placed in the <i>private frontage</i> , public <i>frontage</i> (including within an in-street <i>Bicycle Corral</i> ), or within buildings where appropriate.                        |
| <b>Bicycle Rack (decorative, public art)</b><br> | A  | P  | Decorative racks shall be recognizable as bicycle parking facilities and shall be held to the same performance standards as other bicycle racks. Such racks may be provided for and designed to enhance civic buildings, <i>civic spaces</i> , and other locations of historic, social, or cultural importance.                                                                         |
| <b>Bicycle Shelter</b><br>                      | A  | P  | <i>Bicycle Shelters</i> shall be highly recognizable and integrated with transit, parks, trailheads, and/or land uses requiring medium or long term bicycle parking needs. Each shelter shall include bicycle parking racks capable of securing bicycles with at least two points of contact, and may include other bicycling amenities, such as wayfinding maps/signs, air pumps, etc. |
| <b>Bicycle Locker</b><br>                       | A  | P  | <i>Bicycle Lockers</i> shall be placed in highly visible and well-lit locations, but should not disrupt the function, safety and order of the public realm. They should be associated with land uses and transportation facilities where long term parking is required.                                                                                                                 |



|                                                                                                                 |   |   |                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------|---|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>Bicycle Sharing</i></p>  | P | P | <p><i>Bicycle sharing</i> stations should be located in highly viable locations, adjacent to existing or proposed transit stops, employment centers, or popular destinations. Stations should be spaced every few <i>blocks</i> so that access remains convenient.</p> |
|-----------------------------------------------------------------------------------------------------------------|---|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## Section 54.323 PUD, Planned Unit Development District

- (C) Minimum Size.** The minimum size of a PUD must be two (2) acres of contiguous land or multiple parcels under the same ownership within one-quarter mile of each other, measured by nearest property lines that are a total of two (2) acres. However, the City Commission, upon recommendation from the Planning Commission, may permit approval of a smaller PUD under the following circumstances:

- ~~(1) The proposed project has unique characteristics and benefits; and/or~~
- ~~(2) The parcel in question has unique characteristics that significantly impact development, such as unusual topography, tree stands, wetlands, poor soil conditions on portions of the parcel, water courses, unusual shape or proportions, or utility easements that cross the parcel.~~

In such case, the applicant must submit a letter to the City requesting a waiver of the minimum PUD size requirements. The request must be submitted at the time of the submittal of Concept and Request for Consideration of Project Qualifications ([Section 54.323\(G\)](#)). The Planning Commission shall review the request and make a recommendation to the City Commission. The City Commission shall make the final decision concerning a request to waive the PUD size requirements.

- (1) Waiver of Minimum Size.** The Planning Commission may recommend approval of a smaller PUD ((under two (2) acres)) to the City Commission under the following circumstances:
  - (a)** The proposed project has the potential for specific benefits/improvements in the proposed project area related to combining the parcels in question as a PUD, and
  - (b)** The parcel(s) in question has/have unique characteristics that significantly impact development - such as unusual topography, wetlands, water courses, poor soil conditions on portions of the parcel, unusual shape or proportions, or easements that cross the parcel(s).
- (2) Waiver Process.** The applicant must submit to the Planning Commission a written explanation of their reasons for requesting a waiver of the minimum PUD size requirements, with the submittal of Concept and Request for Consideration of Project Qualifications ([Section 54.323\(G\)](#)). The Planning Commission shall review the request and make a recommendation to the City Commission. The City Commission shall decide on a request to waive the PUD size requirements.

## SECTION 3. Article 4 Schedule of Regulations

Chapter 54 – LAND DEVELOPMENT CODE, Article 4 – Schedule of Regulations is hereby amended as follows:

## Article 4 Schedule of Regulations

### Section 54.402 Schedule of Regulations

| Zoning District                                                                        | Minimum Lot Dimensions        |                            | Minimum Setback Requirements <u>(U, T)</u> |                                            |                                            |                                                         | Maximum Height of Structures <u>(Q)</u>              |                           | Maximum Impervious Surface Coverage of the Lot |
|----------------------------------------------------------------------------------------|-------------------------------|----------------------------|--------------------------------------------|--------------------------------------------|--------------------------------------------|---------------------------------------------------------|------------------------------------------------------|---------------------------|------------------------------------------------|
|                                                                                        | Size (sq. ft.)                | Width (feet)               | Front Yard (feet)                          | Side Yards (feet)                          |                                            | Rear Yard (feet)                                        | Primary Building (feet)                              | Accessory Building (feet) |                                                |
| LDR, Low Density Residential 1-2 Units and other uses identified in 54.307             | 8,100                         | 60                         | 20, <u>(B)</u>                             | 10 <u>(L)</u>                              | 20 <u>(L)</u>                              | <u>20</u><br><del>30</del> <u>(L)</u> ,<br><u>(U)</u>   | <u>44</u> <u>(V)</u><br><del>31.5</del>              | <u>(L)</u>                | <u>(S)</u>                                     |
| LDR, Low Density Residential 3-4 Dwelling Units                                        | 9,000 <u>(E)</u>              | 75 <u>(E)</u>              | 20 <u>(B)</u>                              | 10 <u>(H)</u> ,<br><u>(L)</u>              | 20 <u>(H)</u> ,<br><u>(L)</u>              | 30 <u>(H)</u> ,<br><u>(L)</u> , <u>(U)</u>              | <u>44</u> <u>(V)</u><br><del>31.5</del>              | <u>(L)</u>                | <u>(S)</u>                                     |
| MDR, Medium Density Residential 1 Unit and other uses identified in 54.308             | 4,500                         | 37.5                       | 15 <u>(A)</u> ,<br><u>(B)</u>              | 5 <u>(L)</u>                               | 13 <u>(L)</u>                              | 20 <u>(L)</u> ,<br><u>(U)</u>                           | <u>44</u> <u>(V)</u><br><del>31.5</del>              | <u>(L)</u>                | <u>(S)</u>                                     |
| MDR, Medium Density Residential 2 Dwelling Units                                       | 6,000 <u>(C)</u>              | 50 <u>(D)</u>              | 15 <u>(A)</u> ,<br><u>(B)</u>              | <u>5</u> <del>10</del> <u>(L)</u>          | <u>13</u> <del>20</del> <u>(L)</u>         | 20 <u>(L)</u> ,<br><u>(U)</u>                           | <u>44</u> <u>(V)</u><br><del>31.5</del>              | <u>(L)</u>                | <u>(S)</u>                                     |
| MDR, Medium Density Residential 3-4 Dwelling Units                                     | 9,000 <u>(E)</u>              | 75 <u>(E)</u>              | 15 <u>(A)</u>                              | 10 <u>(H)</u> ,<br><u>(L)</u>              | 20 <u>(H)</u> ,<br><u>(L)</u>              | 30 <u>(H)</u> ,<br><u>(L)</u> , <u>(U)</u>              | <u>44</u> <u>(V)</u><br><del>31.5</del>              | <u>(L)</u>                | <u>(S)</u>                                     |
| MFR, Multi-Family Residential 1-2 Units                                                | 6,000 <u>(C)</u>              | 50 <u>(D)</u>              | 15                                         | <u>5</u> <del>10</del> <u>(L)</u>          | <u>13</u> <del>20</del> <u>(L)</u>         | <u>20</u><br><del>30</del> <u>(L)</u> ,<br><u>(U)</u>   | <u>44</u> <u>(V)</u><br><del>31.5</del>              | <u>(L)</u>                | <u>(S)</u>                                     |
| MFR, Multi-Family Residential 3-4 Units and other uses identified in 54.309 <u>(K)</u> | 9,000 <u>(E)</u>              | 75 <u>(E)</u>              | 15 <u>(A)</u>                              | 10 <u>(H)</u> ,<br><u>(L)</u> , <u>(M)</u> | 20 <u>(H)</u> , <u>(L)</u> ,<br><u>(M)</u> | 30 <u>(H)</u> ,<br><u>(L)</u> , <u>(M)</u> , <u>(U)</u> | <u>48</u><br><del>36.5</del> <u>(M)</u> , <u>(N)</u> | <u>(L)</u>                | <u>(S)</u> <del>or</del> <u>(T)</u>            |
| MFR, Multi-Family Residential 5+ Multiple Family Units <u>(K)</u>                      | 15,000                        | 100                        | 15 <u>(A)</u>                              | 15 <u>(H)</u> ,<br><u>(L)</u> , <u>(M)</u> | 30 <u>(H)</u> , <u>(L)</u> ,<br><u>(M)</u> | 30 <u>(H)</u> ,<br><u>(L)</u> , <u>(M)</u> , <u>(U)</u> | <u>48</u><br><del>36.5</del> <u>(M)</u> , <u>(N)</u> | <u>(L)</u>                | <u>(S)</u> <del>or</del> <u>(T)</u>            |
| MHP, Mobile Home District                                                              | See <u>Section 54.631</u>     |                            |                                            |                                            |                                            |                                                         |                                                      |                           |                                                |
| M-U, Mixed-Use                                                                         | 4,800 <u>(C)</u> , <u>(E)</u> | 40 <u>(D)</u> , <u>(E)</u> | 0 <u>(E)</u> , <u>(F)</u> ,<br><u>(G)</u>  | 5 <u>(L)</u> ,<br><u>(L)</u> , <u>(N)</u>  | 13 <u>(L)</u> ,<br><u>(L)</u> , <u>(N)</u> | 20 <u>(L)</u> ,<br><u>(L)</u> , <u>(N)</u> , <u>(U)</u> | 44 <u>48</u><br><u>(N)</u>                           | <u>(L)</u>                | <u>(S)</u> <del>or</del> <u>(T)</u>            |
| CBD, Central Business District                                                         | None                          | 24                         | 0                                          | 5 <u>(L)</u>                               | 10 <u>(L)</u>                              | 10 <u>(L)</u> ,<br><u>(U)</u>                           | 74 <u>(O)</u>                                        | <u>(L)</u>                | <u>(S)</u> <del>or</del> <u>(T)</u>            |
| GC, General Commercial                                                                 | None                          | 24                         | 0 <u>(F)</u> , <u>(G)</u>                  | 15 <u>(L)</u>                              | 30 <u>(L)</u>                              | 20, <u>(U)</u>                                          | 40                                                   | <u>(L)</u>                | <u>(S)</u> <del>or</del> <u>(T)</u>            |
| RC, Regional Commercial                                                                | None                          | 24                         | 30                                         | 15                                         | 30                                         | 20, <u>(U)</u>                                          | 40                                                   | <u>(L)</u>                | <u>(S)</u> <del>or</del> <u>(T)</u>            |
| M, Municipal                                                                           | None                          | 24                         | None                                       | None                                       | None                                       | None                                                    | None                                                 | <u>(L)</u>                | <u>(S)</u> <del>or</del> <u>(T)</u>            |
| C, Civic                                                                               | None                          | 24                         | None                                       | 5                                          | 10                                         | 20, <u>(U)</u>                                          | 60                                                   | <u>(L)</u>                | <u>(S)</u> <del>or</del> <u>(T)</u>            |

| Zoning District                                                                              | Minimum Lot Dimensions |              | Minimum Setback Requirements ( <u>U</u> <u>T</u> ) |                   |                    |                             | Maximum Height of Structures ( <u>Q</u> ) |                           | Maximum Impervious Surface Coverage of the Lot |
|----------------------------------------------------------------------------------------------|------------------------|--------------|----------------------------------------------------|-------------------|--------------------|-----------------------------|-------------------------------------------|---------------------------|------------------------------------------------|
|                                                                                              | Size (sq. ft.)         | Width (feet) | Front Yard (feet)                                  | Side Yards (feet) |                    | Rear Yard (feet)            | Primary Building (feet)                   | Accessory Building (feet) |                                                |
|                                                                                              |                        |              |                                                    | Smallest Side     | Total of Two Sides |                             |                                           |                           |                                                |
| IM, Industrial/Manufacturing                                                                 | None                   | 24           | 40                                                 | 20                | 40                 | 40, <u>(U)</u>              | 80 <u>(P)</u>                             | <u>(L)</u> <u>(P)</u>     | <u>(S)</u> <u>(T)</u>                          |
| CR, Conservation/Recreation                                                                  | None                   | 24           | 15                                                 | 50                | 100                | 20 <u>(R)</u><br><u>(U)</u> | 36.5                                      | <u>(L)</u>                | <u>(S)</u> <u>(T)</u>                          |
| BLP, Board of Light and Power                                                                | None                   | 24           | 40                                                 | 20                | 40                 | 40, <u>(U)</u>              | None                                      | <u>(L)</u>                | <u>(S)</u> <u>(T)</u>                          |
| Marquette Downtown Waterfront District Form-Based Code (see <a href="#">Section 54.321</a> ) |                        |              |                                                    |                   |                    |                             |                                           |                           |                                                |
| Third Street Corridor Form-Based Code (see <a href="#">Section 54.322</a> )                  |                        |              |                                                    |                   |                    |                             |                                           |                           |                                                |

## Section 54.403 Footnotes to Schedule of Regulations

- (A) **Permitted Front Yard Setback Encroachments in the MDR and MFR Districts.** In the MDR and MFR districts, open front porches may encroach into the required front yard setback, provided the encroaching porch is for the first story only and is setback at least five (5) feet from the front lot line.
- (B) **Reduced Minimum Front Yard Setback in the LDR and MDR Districts.** If the average front yard setback of the principal buildings on the same block are less than the minimum front yard setback of the district, the minimum front yard setback of a subject lot in the LDR district or MDR district may be reduced to that average, provided the principal buildings used in the average are on the same side of the street and on the same block as the subject lot.
- (C) **Minimum Lot Area for Two-Family Dwellings (Duplexes) in the MDR, M-U, TSC, and MFR Districts.** In the MDR, M-U, TSC, and MFR District, the minimum lot area for a two-family dwelling (duplexes) is 6,000 sq. feet.
- (D) **Minimum Lot Width for Two-Family Dwellings (Duplexes) in the MDR M-U, TSC, and MFR Districts.** In the MDR, M-U, TSC, and the MFR District, the minimum lot width for a two-family dwelling (duplex) is 50 feet.
- (E) **Minimum Lot Area and Width for Three Family and Four Family Dwellings in the M-U, TSC, and MFR Districts.**
- (1) In the MDR, M-U, TSC, and the MFR District, the minimum lot area for a three-family and four family dwellings is 9,000 sq. feet.
  - (2) In the MDR, M-U, TSC, and the MFR District, the minimum lot width for a three-family and four family dwellings is 75 feet.
- (F) **Minimum Front Yard Setback in the M-U and GC Districts.** In the M-U and GC districts, the minimum front yard setback is 0 ft. if there is at least a 10-foot distance between the front lot line and the curb/edge of the street. If there is not at least a 10-foot distance between the front lot line and the curb/edge of the street in these districts, the minimum front yard setback shall be increased accordingly so that the minimum separation distance between a structure and the curb/edge of the street is at least ten (10) feet.

- (G) **Maximum Front Yard Parking in the M-U and GC Districts.** Although there are no maximum front yard setbacks in the M-U and GC districts, refer to [Article 9](#) for the maximum allowable parking in the front yard of the M-U ([Section 54.902\(E\)\(3\)](#)) and GC ([Section 54.902\(E\)\(4\)](#)) districts.
- (H) **Separation Distance of Multiple-Family Structures.** The proposed separation distance between buildings must be determined to comply with the Michigan Building Codes and meet all other requirements for fire safety and maintenance of structures. These requirements must be established before submitting preliminary or final site plans for City approval.
- (I) **Reduced Side Yard Setbacks in the M-U, CBD, and GC Districts.** In the M-U, CBD, and GC districts the side yards may be eliminated under the following conditions:
- (1) The side walls are of fireproof construction and are wholly without opening.
  - (2) The zoning of the adjacent property is M-U, CBD, GC, Marquette Downtown Waterfront District, or Third Street Corridor District.
- (J) **Modified Rear Yard Setbacks in the M-U and CBD Districts.** In the M-U and CBD districts the required rear yard may be measured from the center of an alley abutting the rear lot line, provided the structure is not located in the alley.
- (K) **Each parcel in the MFR district that contains a multiple-family residential use shall have:**
- (1) A maximum lot coverage ratio of 0.50.
  - (2) Minimum outdoor livability space of 0.30.
- (L) **Accessory Buildings and Structures.** For accessory buildings and structures, additional requirements for side yard setbacks, rear yard setbacks, and height are in [Section 54.705](#).
- (M) **Height Exceptions and Increased Setbacks for Multiple-Family 5+ Dwelling Buildings in the MFR District.** For multiple-family buildings in the MFR District, the height may be increased above 36.5 feet to a maximum of 44 **48** feet provided that 1 foot shall be added to all of the minimum yard setbacks for each 1 foot that the building exceeds 36.5 feet in height.
- (N) **Height Exceptions and Increased Setbacks for Principal Buildings in the MFR and M-U Districts.** If the subject lot is adjacent to a lot zoned LDR, MDR, C, or CR, any portion of the building higher than 36.5 feet must be setback at least 8 feet from a minimum front yard setback line and at least 10 feet from any other minimum yard setback line. The maximum height allowed is 44 **48** feet.
- (O) **Height Bonus for Residential Use Inclusion in the Central Business District.** A building may exceed a building height of 74 feet to a maximum of 84 feet, only if it is designed to include at least four (4) residential dwelling units that are – in total square feet of area – at least equivalent to the extent of the footprint of the ground floor of the building in square feet.
- (P) **Modified Height and Setback Requirements in the IM District.** The Planning Commission may permit via special land use approval a greater height than the maximum allowed in the schedule of regulations in the IM district, provided that the front, side, and rear yards specified in [Section 54.402](#) and [Article 6](#) are increased by one (1) foot for each foot of building height that exceeds the maximum allowed. However, in no case shall the height of any structure in the IM district exceed the horizontal setback distance from the structure to a lot line; where the property abuts

a right-of-way, up to 1/2 width of said right-of-way may be used in calculation the required yard; in no instance may the yard be less than the minimum specified in [Section 54.402](#), and for accessory structures as specified in [Section 54.705](#).

- (Q) **Height Exemptions.** There shall be no height restriction on chimneys, flagpoles, public monuments, and wireless telecommunications facilities except when they are part of a special land use. Items attached to a building such as chimneys, weather vanes, lightning arrestors, etc. may be exempt as well.
- (R) **Increased Rear Yard Setbacks for the CR District.** The CR district has a minimum rear yard setback of 50 feet from the ordinary high water mark of Lake Superior.

- ~~(S) **Maximum Impervious Surface Coverage of a Lot in the LDR and MDR Districts, and single-family and two-family dwelling units in other zoning districts:**~~ The maximum impervious surface coverage of a lot in the LDR and MDR Districts, and single family and two family uses in all other zoning districts shall be based on the lot areas as follows:

| Maximum Impervious Surface Coverage Based on Lot Area                           |
|---------------------------------------------------------------------------------|
| 60% of the lot area up to 8,712 sq. ft. (1/5 acre or less);                     |
| 50% of the area of the lot between 8,713 sq. ft. and 21,780 sq. ft. (1/2 acre); |
| 40% of the area of the lot between 21,781 sq. ft. and 43,560 sq. ft. (1 acre);  |
| 30% of the area of the lot over 1 acre                                          |

- ~~(S T) **Storm Water Management.**~~ For all uses except Single-family and Two-family dwelling units, please refer to Section 54.803 Storm Water Management. For Single-family and Two-family dwelling units, please refer to item S above.

- (1) For single-family and two-family dwelling units:

- (a) **Maximum Impervious Surface Coverage of a Lot in the LDR and MDR Districts, and single-family and two-family dwelling units in other zoning districts:** The maximum impervious surface coverage of a lot in the LDR and MDR Districts, and single-family and two-family uses in all other zoning districts shall be based on the lot areas as follows:

**FIGURE XX. Maximum Impervious Surface Coverage for one and two-family dwelling units**

| Maximum Impervious Surface Coverage Based on Lot Area                           |
|---------------------------------------------------------------------------------|
| 60% of the lot area up to 8,712 sq. ft. (1/5 acre or less);                     |
| 50% of the area of the lot between 8,713 sq. ft. and 21,780 sq. ft. (1/2 acre); |
| 40% of the area of the lot between 21,781 sq. ft. and 43,560 sq. ft. (1 acre);  |
| 30% of the area of the lot over 1 acre                                          |

- (2) For all uses except Single-family and Two-family dwelling units, please refer to [Section 54.803](#) Storm Water Management.
- (3) Rain gutters and downspouts may be required on new/reconstructed buildings to prevent stormwater runoff to adjoining private properties. They shall be installed where the finished grade will slope down from the closest wall of the new/reconstructed building to the adjoining property, with flow from the downspout directed to into the same property (e.g. into a rain barrel, a French drain, or to a transverse conduit leading to a location where stormwater will percolate into the original property).

- (U T) **Landscape Buffer and Greenbelt Requirements.** The minimum setbacks vary in accordance

with the landscape buffer and greenbelt standards of [Section 54.1003\(D\)](#).

**(U) Corner Lots.** Corner lots will have a reduced rear yard setback, to match that of the largest required side yard setback dimension for the zoning district that is necessary to meet the total of two sides requirement for that zoning district. For example, if the total (2-side) side yard setback requirement is 13 feet per [Sec. 54.402](#), and the smallest side yard setback must be at least 5 ft. (as in MDR districts), then the *rear yard dimension for a corner lot* will be the difference between 13 ft. and the calculated dimension for the actual smallest side yard setback – which would be 8 ft. if the smallest side yard setback from the main structure is calculated to be 5 feet (Note: It is important to note that should the existing structure's side yard setback be less than 5 feet, that side yard will still be designated as the minimum setback at 5 feet.)

**(V) Height Exceptions and Increased Setbacks for Principal Buildings.** For principal buildings, the height may be increased above 31.5 feet to a maximum of 44 feet provided that 0.25 foot for lot widths under 75 feet and 0.50 foot for lot widths 75 feet or greater shall be added to all of the minimum yard setbacks for each 1 foot that the building exceeds 31.5 feet in height.

## **SECTION 4. Article 5 – Supplemental Zoning District Standards**

**Chapter 54 – LAND DEVELOPMENT CODE, Article 5 – Supplemental Zoning District Standards is hereby amended as follows:**

### **Article 5 Supplemental Zoning District Standards**

#### **Section 54.501 Subdivision Developments**

**(D) Subdivision Review Procedures.** The Preparation of a subdivision for platting shall be carried out through the following stages in accordance with the procedure as follows.

**(3) Tentative Preliminary Plat Review.** Tentative Preliminary Plat Review, involving review and action to recommend approval or denial of the plat by the Planning Commission within 60 days from the date of filing, followed by review and action to approve or deny the plat by the City Commission within 90 days from the date of filing, shall be in accordance with the following procedures and requirements:

**(c) Submittal requirements.** The tentative preliminary plat shall illustrate the proposed subdivision layout based on the uses of land, dimensional requirements, and density allowed by right in the district in which the land is located (i.e., a conventional development). The preliminary plat submitted for tentative approval shall show all of the salient features of the proposed subdivision to allow the City to determine whether the proposal is in compliance with this and other applicable ordinances. The lack of information related to any item specified herein, or improper information supplied by the applicant, shall be cause for disapproval of a tentative preliminary plat. The following information shall be provided for tentative preliminary plat review:

**(v) Tentative Preliminary Plat—Other Submittals.** The following additional information shall be provided, unless otherwise indicated, with the application for Tentative Preliminary Plat Review:

**d.** Comments from other review authorities. The proprietor shall submit copies

of the tentative preliminary plan to County, regional and State agencies that have jurisdiction over any aspect of the subdivision including, where applicable, the Marquette County Road Commission, Marquette County Drain Commission, Michigan Department of Transportation, Michigan Department of Environmental Quality Environment, Great Lakes, and Energy (EGLE), and Marquette County Health Department. Although approval from these agencies is not required for tentative preliminary plat approval, any written comments received from these agencies shall be submitted to aid the City review process.

**(4) Final Preliminary Plat Review.** Final Preliminary Plat Review, involving review by outside agencies (State and Marquette County agencies) prior to action by the City Commission within 20 days from the date of filing, shall be in accordance with the following procedures and requirements:

**(b) Final Preliminary Plat—Required Information.** The final preliminary plat submittal shall contain all of the information required for the tentative preliminary plat listed in Section 54.501(D)(3), plus the following information:

**(vi)** The proprietor shall submit a list of all agencies to which the proprietor has sent copies of the final preliminary plat, certifying that the list shows all authorities listed in this subsection. The proprietor shall also submit copies of the final preliminary plat bearing the necessary approvals of all authorities as required by the Land Division Act and this section, including:

- d.** Michigan Department of Environmental Quality Environment, Great Lakes, and Energy (EGLE), if the land proposed to be subdivided abuts a lake or stream, or abuts an existing or proposed channel or lagoon affording access to a lake or stream where public rights may be affected, or contains regulated wetlands, or lies wholly or in part within a flood plain of a river, stream, creek or lake.

**(8) Other Improvements.**

**(d) Water Supply.** Water distribution system plans approved by the City Commission and in conformance with the Regulations of the Michigan Department of Environmental Quality Environment, Great Lakes, and Energy (EGLE) relating to Municipal Water Supplies.

## **Section 54.502 Land Division Regulations**

**(D) Application for Land Divisions.** An applicant shall file with the City Assessor, or other official designated by the City Commission, all of the following for review and approval of a proposed parcel split before any split can be made:

**(1) Application.** A completed application on such form as may be provided by the City. If a transfer of division rights is proposed in the land transfer, then information about the terms and availability of the proposed division rights transfer shall be submitted with the application. Such information shall be in a form that satisfies the written notice requirements specified in Section 109(2) of the Land Division Act.

**(2) Proof of Ownership.** Proof of fee ownership of the land to be divided.

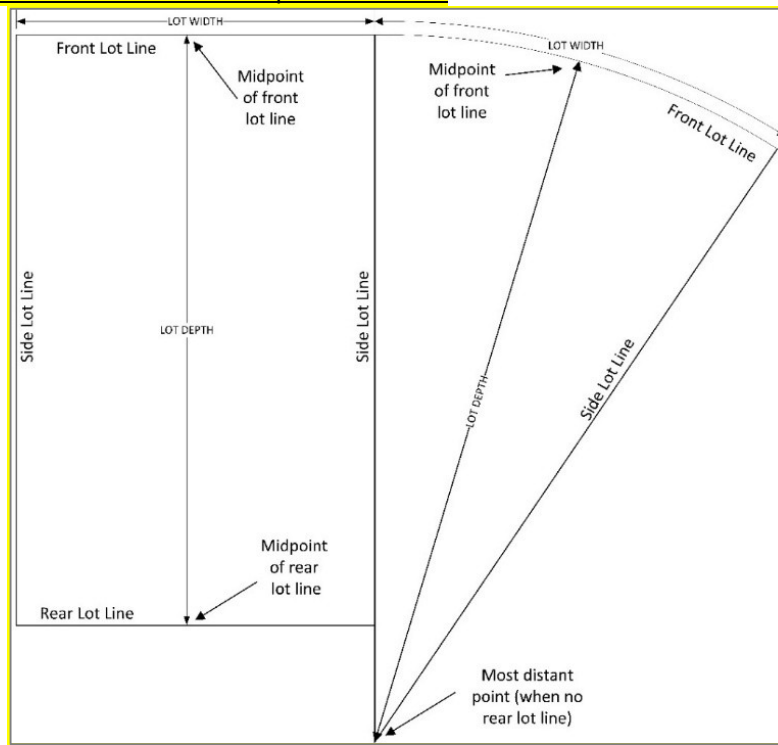


**(3) Survey or Tentative Parcel Map.** A survey or tentative parcel map of the parcel, including the location, setbacks, and dimensioned encroachments of all existing structures, indicating the adequate and accurate dimensions and legal description of the entire parcel and each split to be made. The survey or tentative parcel map must include the means of access from each resulting parcel to an existing road or street, the location of all existing and proposed public and private easements and rights-of-way, and the location of surface water, lakes, ponds, streams, and wetlands. **A tentative parcel map is only allowed to be submitted if there are no structures or improvements on the parcel.**

**(F) Standards for Granting Land Division Approval.** The splitting or partitioning of a parcel is prohibited unless approved in the manner required by this section in complete accordance with the following rules and regulations:

**(3) Depth-to-Width Ratio of Non-Platted Parcels.** Depths of parcels created as a result of division of land shall be not greater than four (4) times the parcel width. The City may permit parcels with proportions that vary from such standards where such action would reduce existing nonconformance with the standards set forth in this Ordinance or, in the determination of the Zoning Administrator, a variation is necessary due to exceptional topographic or physical conditions with respect to the parcel and compatibility with Depth-to-Width Ratio of Non-Platted Parcels. Depths of parcels created as a result of division of land shall be not greater than four (4) times the parcel width. The City may permit parcels with proportions that vary from such standards where such action would reduce existing nonconformance with the standards set forth in this Ordinance or, in the determination of the Zoning Administrator, a variation is necessary due to exceptional topographic or physical conditions with respect to the parcel and compatibility with surrounding lands.

**Figure xx. How to Measure Lot Depth and Width**





## Section 54.503 Condominium Developments

- (A) **Intent and Application.** The following regulations shall apply to all condominium and site condominium developments within the City of Marquette.
- (B) **Site Condominiums.** Pursuant to authority conferred by Section 241 (Law, Ordinance, or Regulation of Local Unit of Government) of the Condominium Act, as amended, all site condominiums must be approved by the City Commission following review and recommendation for approval by the Planning Commission. In determining whether to recommend a site condominium for approval to the City Commission, the Planning Commission shall consult with and receive a written response from the Planning Director, City Attorney, City Engineer, and Zoning Administrator regarding the adequacy of the master deed, deed restrictions, utility systems and street, development layout and design and compliance with all requirements of the Condominium Act and the Land Development Code.
- (1) **Notice.** Prior to the Planning Commission meeting, a notice shall be sent by mail or personal delivery to the contiguous adjacent property owners, and the adjacent property owners from the site access point (this includes those across the street from the site access point).
- (G) **Design and Engineering Standards and Required Improvements for Site Condominium Developments.** The design and engineering standards for site condominium developments, as well as required improvements for site condominium developments, shall be the same as those required for subdivisions in [Section 54.501\(E\)](#).
- (1) **Exception:** If there are no other public streets within 1,500 feet of the nearest site condominium parcel line or if the proposal is for a private road meeting the standards of an approved Planned Unit Development (PUD), then the site condominium parcel can have private road frontage and any of the street development standards do not have to be met in Section 54.501(E) (1), (2), (6), (7), and (8) items. The standards in Section 54.501(E) (3), (4), and (5) do have to be met, however any reference to “street” will be replaced with “private road”.

## **SECTION 5.** Article 6 – Standards Applicable to Specific Land Uses

**Chapter 54 – LAND DEVELOPMENT CODE, Article 6 – Standards Applicable to Specific Land Uses is hereby amended as follows:**

### **Article 6 Standards Applicable to Specific Land Uses**

#### **Section 54.612<sup>1</sup> Dwelling, Accessory Unit (ADU)**

Accessory Dwelling Units (ADUs) shall comply with all of the following standards:

- (A) **One ADU Per Lot.** One ADU is permitted per lot containing an existing detached single-family dwelling unit, provided the ADU complies with all of the requirements of this Section and this Ordinance.
- (B) **Minimum Lot Area and Width.** ADUs are only permitted on lots that meet the minimum lot area and lot width standards of the zoning district.

**(C) Setbacks and Height.** ADUs must meet all requirements of this Ordinance for minimum setbacks and maximum height. However, the height of an ADU shall not exceed two (2) stories or 20 feet.

(1) A detached ADU (physically separate from the principal residence) must meet the setback requirements of accessory structures for their zoning districts, and the height shall not exceed two (2) stories or 20 feet.

(2) An attached/interior ADU (physically attached and/or accessible from within the principal residence) must meet the requirements of this Ordinance for minimum setbacks and maximum height for primary buildings and lot coverage in Article 4.

**(a) Exception.** An existing legal non-conforming Class A or B structure that is non-conforming due to noncompliance with any minimum setbacks for the zoning district, does not have to meet the minimum setbacks for proposed residential interior remodeling to add an ADU to the interior of the existing structure.

**(D) Maximum Occupancy.** The occupancy of the accessory dwelling unit shall not exceed two (2) unrelated adults.

**(E) Maximum Yard Coverage.** A detached ADU, whether standing alone or as an addition to an existing accessory structure, must meet the standards for maximum impervious surface coverage in [Section 54.403](#) as applicable to the zoning district, but does not have to meet the rear yard area occupation standards for the zoning district, as stated in [Section 54.705](#).

**(F) Owner-Occupancy Required of the Principal Dwelling is as follows:**

(1) Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the a person who has a legal or equitable ownership interest with the property, and who bears all or part of the economic risk of decline in value of the property and who receives all or part of the payment, if any, derived from the lease or rental of the dwelling unit. The owner-occupant shall prove residency by means such as a voter registration, car registration, or other method acceptable to the City.

**(a) Grace Period for Transfer of Ownership and Revocation.** Per the recorded covenant, the continuing approval/existence of the ADU is predicated upon the occupancy of either the principal residence or the accessory dwelling unit by a person who owns the property, and that the ADU shall remain in the ownership of the person who owns the property. If the person who has legal or equitable ownership interest with the property has become deceased, then the next of kin or a named person in the will of trust has one year to provide proof to the City that they have legal or equitable ownership interest with the property or the ADU will be revoked.

**(H) Maximum Floor Area of ADU.** The floor area of the ADU shall not exceed 768 square feet, or 50% of the gross floor area of the principal residence, whichever is less. If the proposed ADU is a detached garage, and the area used as garage/parking is for the single-family home use only, then you do not count that as floor area for the ADU.

**(I) Attachment Options.** The ADU may be attached to the single-family dwelling or within the interior of the single family dwelling and constructed on any story of a conforming detached accessory building on the site, including the basement level. If the ADU is

attached to the single-family dwelling (as an addition), the ADU may be located within the existing footprint or added to the existing footprint, provided all of the requirements of this Ordinance are met.

**(J I) Architecture and Design.**

(1) An ADU must be designed to maintain the architectural character and appearance of the principal building when attached to an existing building. If an ADU extends beyond the existing footprint of the main building, the addition must be consistent with the existing façade, roof pitch, siding, and windows.

(2) Shipping containers are prohibited as an ADU.

**(3 2)** Exterior stairs leading to a second story entrance are restricted to the side or rear façade of the building to which it is attached.

**(K J) Parking.** One (1) off-street parking space shall be provided for the ADU in a driveway, side or rear yard. No parking space may be provided in the front yard except in paved driveways or hard surfaced parking spaces in accordance with this Ordinance (see definition of “Hard Parking Surface” in Section 54.202(A)(923)). Parking spaces are not subject to setback requirements. The Zoning Administrator may grant an exception to the parking space requirement if the property owner submits a signed and notarized affidavit to the City affirming that the ADU occupant will not have a motor vehicle on site.

**(L K) Duration of Lease or Rental.** Leasing or rental of the ADU for less than 30 days is prohibited.

**(M) Revocation of ADU.** If any of the conditions or requirements of the ADU are no longer being met, then the ADU approval shall be revoked and the property owner will be notified of a deadline to remove the ADU construction or to convert the structure to a legal use within the zoning district.

## Section 54.613 2 Dwelling, Duplex

**(A) Lot Area and Lot Width.** The minimum lot area and lot width for lots with a duplex must meet the requirements of Article 4.

**(B) Side Yard Setback.** The minimum required side yard setback for a duplex is 10 feet on each side ~~unless a larger side yard setback is required by~~ must meet the zoning district requirements in Article 4.

**(C) Parking.** Two (2) parking spaces for each dwelling unit, shall be provided unless otherwise exempted by this Code.

**(D) Outdoor Livability Space.** On each lot containing a duplex, at least 20 percent of the lot must be used for outdoor livability space such as lawns, gardens, and/or outdoor patios.

## Section 54.614 3 Dwelling, Intentional Community

**(A) Maximum Occupancy.** Occupancy of an Intentional Community Dwelling shall not exceed more than one person per 200 square feet of habitable space

- (B) Parking.** Each applicant for an Intentional Community Dwelling shall prepare a parking management plan. The plan shall limit the number of automobiles to be parked in the public right-of-way to three (3).
- (C) Conversion from Single-Family Residential Buildings.** When an Intentional Community Dwelling is established within a single-family dwelling, the single-family appearance and function of the building shall not be altered through the addition of separate entrances or kitchens.
- (D) Conversion from Duplex and Multi-Family Residential Buildings.** When two-family and multi-family buildings are converted into an Intentional Community Dwelling, the entire building must remain an Intentional Community Dwelling while any portion of it is so occupied.
- (E) Proximity to Other Intentional Community Dwellings.** The lot on which an Intentional Community Dwelling is located shall not be within 1,500 feet from a lot on which another Intentional Community Dwelling is located, but the Planning Commission may permit two (2) Intentional Community Dwelling units to be located closer than 1,500 feet apart if they are separated by a major physical barrier, including, without limitation, an arterial street, a commercial district, or a topographic feature that avoids the need for dispersal.
- (F) Violations.** No person shall occupy an Intentional Community Dwelling in violation of this section or intentionally or negligently misrepresent the permitted occupancy of a dwelling unit in violation of this section.
- (G) Revocation.** Violation of this Ordinance or any conditions of approval required by the Planning Commission shall be grounds for revocation of the Special Land Use Permit in accordance with this Ordinance. For Administrative Site Plan Review, please refer to [Section 54.1503](#).
- (H) MFR Zoning District Review Process.** As this is a permitted use in the MFR zoning district, please refer to [Figure 51](#) in [Section 54.1402](#) and [Section 54.1401](#).
- (I) LDR, MDR, M-U, CBD Review Process.** As this is a Special Land Use in the LDR, MDR, M-U, and CBD zoning districts, please refer to [Section 54.1403](#).

## **Section 54.620 Heavy Vehicle/Equipment Sales, Rental, and Display**

- (A) Location.** All areas intended for this use shall be designated as such on the site plan or plot plan.
- (B) Setbacks.** Outdoor sales and display areas must be set back 3 feet from the front property line. Alternatively, the Zoning Administrator may establish alternative locations for outdoor sales and display areas as it determines necessary and advisable.
- (C) Minimum Lot Size.** No less than one-half acre of land shall be required to operate all such uses.
- (D) Screening.** Outdoor sales and display areas which abut residentially zoned property shall be screened in accordance with [Article 10 Landscaping and Screening](#).
- (E) Not create nuisance.** All such outdoor sales and display areas shall be conducted in a manner so as not to create a nuisance to neighboring properties through adequate on-site parking and ingress and egress to the site.

- (F) Reasonable Conditions.** The Zoning Administrator may impose such reasonable conditions as deems necessary to protect the public health, safety and general welfare from excessive noises, traffic, obnoxious and unhealthy odors and any detrimental effects to the general operation of any outdoor sales and display areas.
- (G) No obstruction and paved surface.** All sales and display areas shall be paved with a hard surface. Outdoor sales and display areas shall not occupy or obstruct the use of any fire lane, required off-street parking spaces, or landscaped area required to meet the requirements of [Article 9 Parking, Loading, and Access Management](#) or create a traffic or safety hazard.
- (1)** Off-street parking and maneuvering lanes shall meet minimum ordinance requirements for the retail use based upon the area designated for sales and display as determined by the Zoning Administrator. All loading and unloading areas and off-street parking and maneuvering lanes shall be located within the boundaries of the site.

## Section 54.622 Home Offices

A Home Office is a dedicated space in a residential dwelling unit where the resident(s) may carry out certain functions of a commercial, service, or organizational nature – such as administration and sales – without a permit, provided the following conditions are met:

- (A) Maximum Floor Area.** ~~The office may not occupy more than 25% of the floor area of the dwelling unit or a maximum of 500 square feet, whichever is smaller.~~ A Home Office shall not occupy more than 25% of the floor area of the dwelling unit and any accessory structures (combined floor area) utilized for the occupation, or a maximum of 500 square feet, whichever is smaller.
- (B) Resident Employees Only.** No persons who are not lawful residents of the dwelling may be employed.
- (C) Signs.** There shall be no signs except as provided for in [Article 11](#).
- (D) No Customer or Client Traffic.** No persons other than residents of the dwelling shall typically or regularly visit the home office for business purposes.
- (E) Equipment Operation.** There shall be no equipment used, the operation of which can be sensed outside of the dwelling unit.
- (F) Accessory Structure Use.** A Home Office use may be conducted in an accessory structure that is properly permitted by the City and the County Building Codes Department.

## Section 54.624 Homestays and Vacation Home Rentals

- (A) Homestays and Vacation Home Rentals in the Low Density Residential (LDR) District, Medium Density Residential (MDR) District, the Third Street Corridor (TSC) District, and Mixed-Use (M-U) District.** In the LDR, MDR, TSC, and M-U zoning districts, the following regulations shall apply to single-family, and duplex, triplex, and quadplex structures that are Homestays and Vacation Home Rentals:

**(1) Location Requirements.** Registered Short-Term Rentals (Homestays and Vacation Home Rentals) shall be limited in proximity to one another by the following standards:

- (a) Separation Distance Between Short-Term Rentals (Homestays and Vacation Homes).** A parcel with one (1) or more registered Homestay(s) and/or one (1) registered Vacation Home Rental(s) may be permitted (by application) per street segment or block face between intersections, except where the street segment or block face exceeds 500 linear feet in length, in which case one (1) additional parcel for Short-Term Rental of each type is allowed for each exceedance of 500 linear feet of the street segment/block face between intersections. Corner houses are assigned to the block face/street segment that corresponds to the property street address; the Zoning Administrator shall keep a map of the registered and approved parcels for short-term rentals for purposes of verifying their location and reviewing applications for short-term rentals.
- (b) Parcel or Right-of-Way Separation.** Registered Short-Term Rentals (Vacation Home or Homestay) parcels must be separated from one another by a minimum of one parcel of developable property not registered or intended for use as a Vacation Home or Homestay, and/or by a public street corridor (right-of-way).
- (c) Maximum Number of Vacation Home Rental Units Per Parcel.** If in compliance with this Section ([Section 54.624](#)) and other Zoning Ordinance requirements, up to three (3) dwelling units on one (1) parcel may be registered as vacation home rentals.
- (d) Use of a Vacation Home Rental as a Homestay.** A Vacation Home Rental that is in compliance with this Section ([Section 54.624](#)) and other Zoning Ordinance requirements may also be a Homestay if it meets the Homestay requirements and is approved by the Zoning and Fire Departments as both a Vacation Home Rental and a Homestay. In this case, the proximity standards specified in this Section ([Section 54.624](#)) will be applied only as a Vacation Home Rental to such a property, not as both a Vacation Home and a Homestay.

**(B) Short-Term Rentals in the Multiple Family Residential (MFR) District, Third Street Corridor (TSC) District, and Mixed-Use (M-U) District.** In the MFR, TSC, and M-U zoning districts, the following regulations shall apply to multi-family structures that have 5 or more units and that are Homestays and Vacation Home Rentals:

- (1) Subletting Prohibited.** Short-term rental is limited to property owners, and subletting is not allowed (tenants may not rent to other parties).
- (2) Maximum Number Per Housing Structure/Complex.** A maximum of four (4) units may be rented for a short-term basis in housing structures/complexes that have up to forty-nine (49) units, and a maximum of ten (10) percent of units may be rented for a short-term basis in housing structures/complexes that have fifty (50) or more units.

- (C) **Compliance with City Codes and Ordinances.** All Short-Term Rentals, Homestays, and Vacation Home Rentals must comply with the City of Marquette Rental Fire Code and all other related City codes and ordinances.

## Section 54.627 Light Manufacturing, Heavy Manufacturing, and Major Vehicle Repair and Maintenance Operations

- (C) **Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality **Environment, Great Lakes, and Energy (EGLE)**. The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in [Section 54.1402](#)

## Section 54.628 Light Vehicle/Equipment Sales and Display

- (A) **Minimum Lot Size.** The site shall be a minimum of one-half acre when vehicles are displayed outdoors.
- (B) **Licensing.**
- (1) For vehicle sales, the proprietor must be a licensed dealer in the State of Michigan.
  - (2) Vehicle licensing requirements of the State of Michigan shall be followed in the review and approval of vehicle sales requests.
- (C) **Open Drive Aisles.** Outdoor display and storage areas of vehicles shall maintain open drive aisles to allow free movement of vehicles.
- (D) **Parking.**
- (1) All vehicles waiting to be picked up by the vehicle driver shall be kept in approved parking spaces on site.
  - (2) Vehicles being displayed cannot be parked in required parking spaces, however, they must only be parked in the excess approved hard surface (see definition of “Hard Parking Surface” in [Section 54.202\(A\)\(923\)](#)) parking spaces on the site and the location must still meet the maneuvering lane requirements.
  - (3) **If a new off-street parking lot is constructed, parking spaces designated for vehicle display are exempt from the screening requirements outlined in [Section 54.1003\(C\)\(1\)](#). However, if the parcel's use changes and these spaces are converted to regular parking spaces, screening must then be implemented in compliance with the section's requirements.**
  - (4) **If a new off-street parking lot receives a waiver of the maximum parking spaces allowed per [Section 54.902\(H\)](#), the waiver will be rescinded upon the change of use.**
- (E) **Flag or Pennant Displays.** One (1) flag or pennant may be displayed on each vehicle for sale or lease. The maximum size of each flag or pennant shall not exceed twelve (12) inches × eighteen (18) inches. All other signage for the site must comply with [Article 11](#).
- (F) **Power Equipment and Vehicle Accessories.** Display areas may include those approved per Article 6, [Section 54.6398](#) or must be in other areas on the private property (out of any right-of-way) that are not within a clear vision triangle or required side and rear yards and are outside of pedestrian paths or required parking spaces. The display of qualifying merchandise may encroach to within five (5) feet of the public sidewalk provided items are on a hard surface.

## Section 54.629 Marihuana Establishments

- (D) **Marihuana Microbusiness – Light Manufacturing.** Marihuana Microbusiness – Light Manufacturing shall be subject to the following standards:



**(12) Additional Light Manufacturing standards:**

- (c) Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality Environment, Great Lakes, and Energy (EGLE). The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in Section 54.1402.

**(E) Marihuana Microbusiness – Heavy Manufacturing.** Marihuana Microbusiness – Heavy Manufacturing shall be subject to the following standards:

**(12) Additional Light Manufacturing standards:**

- (c) Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality Environment, Great Lakes, and Energy (EGLE). The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in Section 54.1402.

**(H) Marihuana Processor – Light Manufacturing.** Marihuana Processor – Light Manufacturing shall be subject to the following standards:

**(8) Additional Light Manufacturing standards:**

- (c) Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality Environment, Great Lakes, and Energy (EGLE). The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in Section 54.1402.

**(I) Marihuana Processor – Heavy Manufacturing.** Marihuana Processor – Heavy Manufacturing shall be subject to the following standards:

**(8) Additional Light Manufacturing standards:**

- (c) Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality Environment, Great Lakes, and Energy (EGLE). The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in Section 54.1402.

## **Section 54.632 Natural Resource Extraction and Processing Operations**

- ~~**(A) Setbacks.** No topsoil, earth, gravel, or sand shall be removed, and no excavation, washing and stockpiling of extracted material shall be conducted closer than three hundred (300) feet to the outer boundary of the area approved for extractive operation. This setback may be reduced by the Planning Commission upon making the determination that the operations can still be carried out in a manner that is compatible with surrounding land use. Extractive operations shall not encroach upon required setback areas. Greenbelt plantings and landscaping must be provided in the setback area as required.~~

- ~~**(B) Control of Off Site Impacts.** In order to reduce the effects of airborne dust, dirt, and noise, all equipment for sorting, crushing, grinding, loading, weighing, and other operational structures shall not be built closer than three hundred (300) feet from any~~



public street right-of-way line or adjacent property lines. This setback may be reduced by the Planning Commission upon making the determination that the operations can still be carried out in a manner that is compatible with surrounding use. All such activities, equipment, roadways, and material storage areas shall be treated, covered, muffled, or otherwise controlled to minimize adverse impact beyond the property line. Trucks hauling extractive materials to or from the site shall be loaded and covered in accordance with all applicable State and County and local regulations. Private access roads serving the operation must be treated to create dust-free surfaces for a distance of three hundred (300) feet from any public access road. Arrangements shall also be made to minimize dust on public access routes traveled in the City.

- ~~(C) **Fill Material.** No garbage or refuse of any nature shall be used for fill. Only the following materials may be used for fill: sand, gravel, clay, broken concrete, topsoil, and other clean earth materials which provide a suitable base for future building sites.~~
- ~~(D) **Standing Water.** The premises must at all times be graded so that surface contours shall tend to forestall local depressions or cause water to stand or accumulate.~~
- ~~(E) **Fence.** Where there is an excavation with a depth in excess of five (5) feet not subject to standard to City building codes and trenching regulations, the permit holder shall erect a fence of at least six (6) feet, but not more than ten (10) feet in height, of wire mesh or such other suitable materials to afford protection to persons and property. Any gates required must be kept locked, daily, when operations are stopped.~~
- ~~(F) **Processing.** Processing of materials mined from any property shall be permitted only in an IM (Industrial/Manufacturing) Zoning District.~~
- ~~(G) **Liability.** The owner or operator shall maintain liability insurance with the City named as an insured party, and the City shall be indemnified and held harmless in respect to any liability and claims which may arise in conjunction with the extractive operations.~~
- ~~(H) **Post Closure or End Use Land Use Plan.** As a part of the special land use approval and site plan review process, a post closure land use plan for the facility must be submitted by the applicant for review. Such a plan must include the end use of all facilities after closure as defined by the Michigan Department of Natural Resources for the technical aspects of closing the solid waste facility, mine or quarry. The contents of the Closure Plan must include:
  - ~~(1) Boundary lines of the property and dimensions and bearings of the property lines correlated with legal description;~~
  - ~~(2) Location and extent of all natural features to be retained during operation;~~
  - ~~(3) The slope of all restored areas;~~
  - ~~(4) Proposed completed topography at contour intervals of not more than two (2) feet;~~
  - ~~(5) A schedule integrating the areas of progressive rehabilitation with the final restoration plan;~~
  - ~~(6) The estimated date of completion of the requirements of the restoration plan;~~
  - ~~(7) Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored areas;~~
  - ~~(8) A description of the methods and materials to be utilized in restoring the site;~~
  - ~~(9) Sketch plan of the proposed use or uses of the restored site;~~
  - ~~(10) For solid waste facilities, a program of continued groundwater monitoring for at~~~~

least ten years after closure must be approved by the appropriate local and State officials; and;

- ~~(11) Names, addresses and telephone numbers of applicant, property owner, operator and professional engineer who prepared the restoration plan.~~

**(A) Excavation.** As allowed by state law, the extraction of sand, gravel, or other raw materials at or below grade and the processing of such materials upon any property are subject to the following standards, provided the state law does not preclude this ordinance:

**(1) Site Plans for Permitted Uses.** A site plan must be approved for any earthwork that is greater than 20,000 square feet in size for a non-residential use; or earthwork that is more than half the size of the parcel upon which commercial, industrial, mixed-use or multi-family land use is occurring or intended, per [Section 54.1402 \(Figure 51\)](#).

**(2) Site Plans for Special Land Use.** A site plan must be approved by the Planning Commission per the Special Land Use process.

**(3) Setbacks.** No topsoil, earth, gravel, or sand shall be removed, and no excavation, washing and stockpiling of extracted material shall be conducted closer than at least one hundred (100) feet from the subject property line. The Planning Commission or Zoning Administrator (depending on the reviewing authority per [Figure 51](#)) may reduce these dimensions upon determining that the operations can still be carried out in a manner compatible with surrounding land use. Greenbelt plantings and landscaping must be provided in the setback area as required

**(4) Control of Off-Site Impacts.** To reduce the effects of airborne dust, dirt, and noise, all activities, equipment, roadways, and material storage areas shall be treated, covered, muffled, or otherwise controlled to minimize adverse impact beyond the property line. Trucks hauling extractive materials to or from the site shall be loaded and covered by all applicable State and County and local regulations. Private access roads serving the operation must be treated to create dust-free surfaces for three hundred (300) feet from any public access road. Arrangements shall also be made to minimize dust on public access routes in the City.

**(5) Fill Material.** No garbage or refuse of any nature shall be used to fill the ground where soil, rock, and other natural materials have been removed. Only the following materials may be used for such "fill": sand, gravel, clay, broken concrete, topsoil, and other clean earth materials that provide a suitable base for future building sites.

**(6) Standing Water.** The premises must always be graded so that surface contours tend to forestall local depressions or cause water to stand or accumulate with the exception of sumps for dust control.

**(7) Fences.** Where there is an excavation forming a trench or a pit with a depth in excess of five (5) feet, the permit holder shall erect a fence of six (6) to ten (10) feet in height, in accordance with [Section 54.706](#) of this ordinance. Any gates used or required must be shut and locked when operations are stopped.

**(8) Liability.** The owner or operator shall maintain liability insurance with the City named as an insured party, and the City shall be indemnified and held harmless in respect to any liability and claims which may arise in conjunction with the extractive operations.

**(9) Post Closure or End Use Land Use Plan.** As part of the special land use approval and site plan review process, the applicant must submit a post-closure land use plan for the facility. The contents of the Closure Plan must include:

- (a)** Boundary lines of the property and dimensions and bearings of the property lines correlated with legal description;
- (b)** Location and extent of all natural features to be retained during operation;
- (c)** The slope of all restored areas;
- (d)** Proposed completed topography at contour intervals of not more than two (2) feet;
- (e)** A schedule integrating the areas of progressive rehabilitation with the final restoration plan;
- (f)** The estimated date of completion of the requirements of the restoration plan;
- (g)** Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored areas;
- (h)** A description of the methods and materials to be utilized in restoring the site;
- (i)** Sketch plan of the proposed use or uses of the restored site;
- (j)** Names, addresses and telephone numbers of applicant, property owner, operator and professional engineer who prepared the restoration plan

#### **(B) Natural Resource Processing Operations**

- (1) Processing.** The processing of materials mined from any property shall be permitted only in an IM (Industrial/Manufacturing) Zoning District.
- (2) Setbacks.** To reduce the potential for sedimentation to streams and nuisances – the creation of dust, dirt, glare, and noise - all operations for processing raw materials (cutting, crushing, grinding, mechanical sorting, and associated structures must be separated at least 200 feet from any property adjoining lines and abutting bodies of water. The Planning Commission may reduce these dimensions upon determining that the operations can still be carried out in a manner that is compatible with surrounding land use.
- (3)** Items 54.632 (1), (3), (5), (6), (7), and (8) shall apply to such processing operations and must be followed for zoning approval of the activity.

## **Section 54.6376 Outdoor Alcoholic Beverage Service**

**(A) Outdoor Food and/or Alcoholic Beverage Service on Public Property.** Outdoor food and beverage service (including alcoholic beverages) on public property is subject to the requirements of Chapter 12 (Business), Article 6 (Sidewalk Café Permits) of the City Code of Ordinances.

**(B) Outdoor Alcoholic Beverage Service on Private Property.** Outdoor alcoholic beverage service on private property is subject to the following requirements:

- (1) Accessibility.** Outdoor alcoholic service on private property shall be located in a manner

that will not interfere with vehicular or pedestrian mobility or access, and shall meet Michigan barrier-free requirements. Outdoor alcoholic service areas shall not obstruct the entrance to any building or sidewalk, nor shall they obstruct any barrier-free ramp or access aisle. If outdoor alcoholic beverage service areas are located on a private sidewalk, a minimum five (5) foot wide unobstructed pathway shall be maintained on the sidewalk, for pedestrian traffic.

- (2) **Mobile Food Vending Units.** Mobile Food Vending Units per Chapter 35 of the City Code are not considered Outdoor Food and Beverage Service. Outdoor tables and chairs are considered Outdoor Food and Beverage Service, so if a mobile food vending unit proposed to add this to the site, then they must meet [Section 54.636](#) and submit a zoning permit for this use.
- (3) **Location of Outdoor Alcoholic Beverage Service Areas.** Tables and chairs must remain within a well-defined and clearly marked area. The City may require enclosures consisting of metal railing, brick walls, landscape planters or other suitable materials using decorative, wrought iron fencing, or other suitable materials. The City may permit temporary enclosure structures, provided the temporary enclosure structures meet the requirements of [Section 54.705\(F\)](#).
- (C) **Outdoor Entertainment and Community Events.** See [Section 54.635](#).
- (D) **Vehicle Parking Requirements.** Parking space requirements may be reduced per [Section 54.902\(G\)](#).

## **Section 54.6387 Outdoor Food and Non-Alcoholic Beverage Service**

- (A) **Outdoor Food and Non-Alcoholic Beverage Service on Public Property.** Outdoor food and non-alcoholic beverage service on public property is subject to the requirements of Chapter 12 (Business), Article 6 (Sidewalk Café Permits) of the City Code of Ordinances.
- (B) **Outdoor Food and Non-Alcoholic Beverage Service on Private Property.** Outdoor food and non-alcoholic beverage service on private property is subject to the following requirements:
  - (1) **Accessibility.** Outdoor food and beverage non-alcoholic service on private property shall be located in a manner that will not interfere with vehicular or pedestrian mobility or access, and shall meet Michigan barrier-free requirements. Outdoor food and non-alcoholic beverage service areas shall not obstruct the entrance to any building or sidewalk, nor shall they obstruct any barrier-free ramp or access aisle. If outdoor food and non-alcoholic beverage service areas are located on a private sidewalk, a minimum five (5) foot wide unobstructed pathway shall be maintained on the sidewalk, for pedestrian traffic.
  - (2) **Mobile Food Vending Units.** Mobile Food Vending Units per Chapter 35 of the City Code are not considered Outdoor Food and Beverage Service. Outdoor tables and chairs are considered Outdoor Food and Beverage Service, so if a mobile food vending unit proposed to add this to the site, then they must meet [Section 54.637](#) and submit a zoning permit for this use.

(3) **Location of Outdoor Food and Non-Alcoholic Beverage Service Areas.** Tables and chairs must remain within a well-defined and clearly marked area. The City may require enclosures consisting of metal railing, brick walls, landscape planters or other suitable materials using decorative, wrought iron fencing, or other suitable materials. The City may permit temporary enclosure structures, provided the temporary enclosure structures meet the requirements of [Section 54.705\(FI\)](#).

(C) **Outdoor Entertainment and Community Events.** See [Section 54.635](#).

(D) **Vehicle Parking Requirements.** Parking space requirements may be reduced per [Section 54.902\(IG\)](#).

## **Section 54.6398 Outdoor Temporary Retail Sales and Service Areas**

- (A) Temporary retail sales and service areas, for approved commercial land uses, may be permitted to occupy not more than twenty-five percent (25%) of the existing or required parking spaces on the site, for a total of not more than 90 120 days in any 12-month period. The location of sales merchandise, service area, and/or temporary structures shall not interfere with pedestrian accessibility, traffic patterns, or access to remaining parking spaces. Prior to placement of merchandise, service area, or erection of temporary structures, the Zoning Administrator must be notified of the date of removal. The location and construction of all temporary structures (including tents) erected in association with the temporary sale of merchandise shall require the approval of the Zoning Administrator and the Fire Administrator through a zoning permit if a City Clerk License is not required. It is the responsibility of the business owner to contact the Building Code Administrator to determine if a building permit is required.
- (B) Mobile Food Vending Units per Chapter 35 of the City Code are exempt from [Section 54.638 \(A\)](#).
- (C) Temporary sales areas that require a person to obtain a license from the City Clerk's Office are exempt from obtaining a Zoning Compliance Permit, but must meet the requirements of [Section 54.638 \(A\)](#).
- (D) Temporary outdoor sales and display of merchandise in conjunction with Marquette Downtown Development Authority sanctioned events are exempt from [Section 54.638\(A\)](#) but must be removed at the conclusion of the event.
- (E) Temporary outdoor sales for non-commercial land uses which are an accessory use of property, such as yard/garage sales and children's lemonade sales, are authorized with the permission of the property owner. Such sale events may occur on a singular property up to 10 times per year and no more than 4 times per month.

## **Section 54.6432 Residential Limited Animal Keeping**

### **(A) Requirements Applicable to All Residential Limited Animal Keeping.**

- (1) **Accessory Use of On-Site Residents.** The accessory use of Residential Limited Animal Keeping is permitted upon application for a non-transferable Residential Limited Animal Keeping Permit approved by the Zoning Administrator, which is for enclosures and structures that are required for chickens and rabbits, or for beehives. Upon approval, the permit is intended to be for the benefit of the occupants of the dwelling on-site, and not for commercial animal uses.

- (2) **Applicable Zoning Districts.** This Residential Limited Animal Keeping use is permitted only in the LDR and MDR districts as an accessory use, where there is a separate occupied dwelling.
- (3) **General Animal Care.** Animals being kept in a residential environment must be cared for and monitored daily to maintain animal health and to prevent nuisance problems with neighbors and the community.
- (4) **Permitted Animals.** Unless classified as a bona fide household pet, only animals explicitly permitted in this Section (i.e., hens, rabbits, and honeybees) qualify as animals that may be kept as a Residential Limited Animal.
- (5) **Zoning Compliance Review Required.** Zoning Compliance Review in accordance with [Section 54.1401](#) is required prior to the establishment of the Residential Limited Animal Keeping use.
- (6) **Location of Animals on the Same Lot as the Dwelling and in the Rear Yard.** The location of animals permitted in accordance with this Section must be on the same property as the dwelling to which they are accessory and must be located in the rear yard.
- (7) **Storage of Seed, Fertilizer, and Feed.** All seed, fertilizer, and animal feed shall be stored in secured, rodent- and animal-proof containers and kept within an enclosed structure.
- (8) **On-Site Commercial Sale Prohibited.** The commercial sale of animal products including eggs, honey, hens or rabbits is prohibited on the site.
- (9) **Sanitation, Waste, and Odors.** All animal structures and roaming areas must be kept sanitary and free from accumulations of animal excrement and objectionable odors. Waste must be composted or disposed of in accordance with all City requirements. The City may require a Residential Refuse Collection Agreement as a condition of Zoning Permit approval. Piling of waste materials on the property is not permitted unless composted in accordance with [Section 54.6198\(GF\)](#).
- (10) **Runoff.** No runoff from nutrient sources shall be allowed to leave the property, nor be discharged into the storm sewer.

**(A B) Requirements Applicable to Residential Limited Animal Keeping of Female Chickens (Hens).**

In addition to the requirements of [Section 54.642\(A\)](#), the following shall apply to the Residential Limited Animal Keeping of hens:

- (1) **Maximum Number of Hens.** A maximum of six (6) hens per single-family or two-family dwelling unit may be kept.
- (2) **Male Chickens (Roosters) Prohibited.** Male chickens (roosters) are prohibited.
- (3) **Prohibited Locations of Keeping Hens.** Hens are prohibited in a residence, porch, or attached garage.
- (4) **Keeping of Hens Required on the Lot.** Hens must be confined to the lot.
- (5) **Enclosure Housing for Hens.** Enclosed housing for hens (the hen house or coop) is

prohibited in a front yard. Enclosed housing must be fully enclosed, roofed, and provide at least one (1) square foot of indoor usable floor space per animal. Enclosed housing must be designed to discourage rodents, dogs, cats, and wildlife from gaining entry.

- (6) **Access to Fresh Water.** Fresh water must be provided for hens at all times.
- (7) **Outdoor Usable Space for Hens.** Outdoor usable space (a run) of at least two (2) square feet per hen must be provided and be attached to the coop. Outdoor usable space must be enclosed to prevent hens from leaving the lot and must not be located in a front yard.

(a) If the outdoor space has a roof or cover, then it has to meet [Section 54.705\(A\)](#) for the LDR or MDR zoning district requirements.

(b) If the outdoor space is just enclosed with a fence, it has to meet [Section 54.706\(C\)\(1\)](#) for the LDR or MDR zoning district requirements.

- (8) **Setback of Housing for Hens.** Enclosed housing for hens must meet the same setback requirements for accessory buildings ([Section 54.705\(A\)](#)), except that the enclosed housing must be set back at least 20 feet from a principal building on an adjoining property. Mobile chicken housing must meet the required setbacks at all times.

**(B C) Requirements Applicable to Residential Limited Animal Keeping of Rabbits.** In addition to the requirements of [Section 54.642\(A\)](#), the following shall apply to the Residential Limited Animal Keeping of rabbits:

- (1) **Maximum Number of Rabbits.** A maximum of six (6) adult rabbits per single-family or two-family dwelling unit may be kept.
- (2) **Keeping of Rabbits Required on the Lot.** Rabbits must be confined to the lot.
- (3) **Enclosure Housing for Rabbits.** Enclosed housing for rabbits (cage or hutch) is prohibited in a front yard. Enclosed housing must be fully enclosed, roofed, and provide at least five (5) square feet of indoor usable floor space per animal. Enclosed housing must be designed to discourage rodents, dogs, cats, and wildlife from gaining entry.
- (4) **Access to Fresh Water.** Fresh water must be provided for rabbits at all times.
- (5) **Outdoor Usable Space for Rabbits.** Rabbits shall only be kept within enclosed housing except for monitored exercise periods. Outdoor usable space must be enclosed to prevent rabbits from leaving the lot and must not be located in a front yard.
- (6) **Setback of Housing for Rabbits.** Enclosed housing for rabbits must meet the same setback requirements for accessory buildings ([Section 54.705\(A\)](#)), except that the enclosed housing must be set back at least 20 feet from a principal building on an adjoining property. Mobile rabbit housing must meet the required setbacks at all times.

**(C D) Requirements Applicable to Residential Limited Animal Keeping of Honeybees.** In addition to the requirements of [Section 54.642\(A\)](#), the following shall apply to the Residential Limited Animal Keeping of honeybees:

- (1) **Maximum Number of Honeybee Hives or Colonies.** A maximum of 10 honeybee hives is permitted on a lot.

- (2) **Location.** Honeybee hives must be located on an undeveloped area of the lot.
- (3) **Minimum Setback.** Honeybee hives must be set back at least twenty-five (25) feet from any lot line. The setback for hives may be reduced to ten (10) feet to a lot line if a six (6) foot high flyway barrier surrounds the immediate vicinity of the hive(s) consisting of a solid fence, wall, or dense vegetation that prevents a direct line of flight from the hives into neighboring properties or public use rights-of-way.
- (4) **Honeybee Hive Manipulation.** Beekeepers must make every reasonable effort to perform hive manipulations as quickly as possible, with minimum disturbance to the bees and at times of the day when outdoor activity of neighbors is minimized.
- (5) **Honeybee Swarm Prevention.** Beekeepers must use best beekeeping management practices to prevent or minimize swarming. Beekeepers must take reasonable measures to retrieve swarms.
- (6) **Access to Fresh Water.** A supply of fresh water shall be provided for all honeybee hives throughout the active flight season.

## Section 54.60548 ~~Bulk Storage~~ Move to be Storage, Bulk

- (A) Noise, vibration, smoke, dust, odors, glare, and similar or related nuisances shall be confined to the site to the maximum extent possible and mitigated on-site to the maximum extent possible. Any nuisances which are anticipated to not be contained to the applicant's property and not mitigated on the property shall be identified in the Project Proposal Document submitted with the Special Land Use Permit or Zoning Compliance Permit application.
- (B) Operations shall be approved only upon documentation by the applicant that no dangerous, noxious or nuisance conditions will impact any adjacent premises. The manufacture, processing or packaging of materials which are inherently dangerous or hazardous due to flammability, radioactivity, explosiveness, or severe toxicity will not be permitted.
- (C) Prior to final approval of a special land use permit or zoning compliance permit, each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits. The applicant shall, upon Planning Commission or Zoning Administrator request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in [Section 54.1402](#).
- (D) Notice of intent to build or expand must be given to the Zoning Administrator at the same time application is made to federal or state agencies, which may require permits.
- (E) When industrial activity is discontinued or the site is vacated, the site shall be left in a condition free from hazards (including but not limited to dangerous excavations, and abandoned structures above or below ground).



- (F) The Planning Commission may require additional safeguards to meet the intent of the industrial district and to assure opportunity for additional industrial uses and for growth within each area of the city which is zoned industrial.

### **Section 54.649 Storage, Indoor**

- (A) No activity other than indoor storage shall be allowed. No unrelated commercial, wholesale, retail, industrial or other business activity shall be conducted from the facility.
- (B) The storage of any toxic, explosive, corrosive, or hazardous materials is prohibited. Combustible materials shall be kept away from ignition sources, such as portable heaters, light fixtures, etc.
- (C) All storage, including vehicles of any kind, shall be contained within a completely enclosed building.
- (D) All exterior lighting shall be in accordance with [Section 54.802](#) hereof.
- (E) All signs shall be in compliance with the provisions of [Article 11](#) of this Ordinance.
- (F) Landscaping and Screening shall be provided in accordance with [Article 10](#) of this Ordinance.
- (G) All off-street parking shall be in compliance with [Article 9](#) of this Ordinance.

### **Section 54.635~~50~~ Open Storage Move to be Storage, Open/Outdoor**

- (A) Open storage of any equipment, vehicles, and all materials including wastes must be screened from public view, from public streets and from adjoining properties by an enclosure consisting of a wall or an obscuring, opaque fence of a height of not less than six (6) feet to obscure such stored materials.
- (B) Open storage shall not be in excess of twenty (20) feet in height.

### **Section 54.651 Storage facility, Self**

- (A) No activity other than rental of storage units shall be allowed. No unrelated commercial, wholesale, retail, industrial or other business activity shall be conducted from the facility.
- (B) The storage of any toxic, explosive, corrosive, or hazardous materials is prohibited. Combustible materials shall be kept away from ignition sources, such as portable heaters, light fixtures, etc.
- (C) All storage, including vehicles of any kind, shall be contained within a completely enclosed building.
- (D) The storage facility shall have driveway access to – or be within 300 feet of – a collector street, arterial road, or highway.

- (E) All storage units must be accessible by paved-maneuvering lanes. A minimum twenty-four-foot drive shall be provided between buildings. Site circulation shall be designed to accommodate fire trucks, as well as trucks that will customarily access the site.
- (F) A demonstrated means of security and management shall be provided.
- (G) Each storage unit shall have an individual door to the outdoors or common/public corridor, and shall be accessible by the owner of the storage items in accordance with hours of operation approved by the Planning Commission/Zoning Administrator. Such hours of operation shall be posted at the entrance to the facility.
- (H) All exterior lighting shall be in accordance with [Section 54.802](#) hereof.
- (I) All signs shall be in compliance with the provisions of [Article 11](#) of this Ordinance.
- (J) Landscaping and Screening shall be provided in accordance with [Article 10](#) of this Ordinance.
- (K) All off-street parking shall be in compliance with [Article 9](#) of this Ordinance.
- (L) In General Commercial zoning districts, the total maximum building footprint of the self-storage facilities shall be 40,000 square feet.

## **SECTION 6. Article 7 – General Provisions**

**Chapter 54 – LAND DEVELOPMENT CODE, Article 7 – General Provisions is hereby amended as follows:**

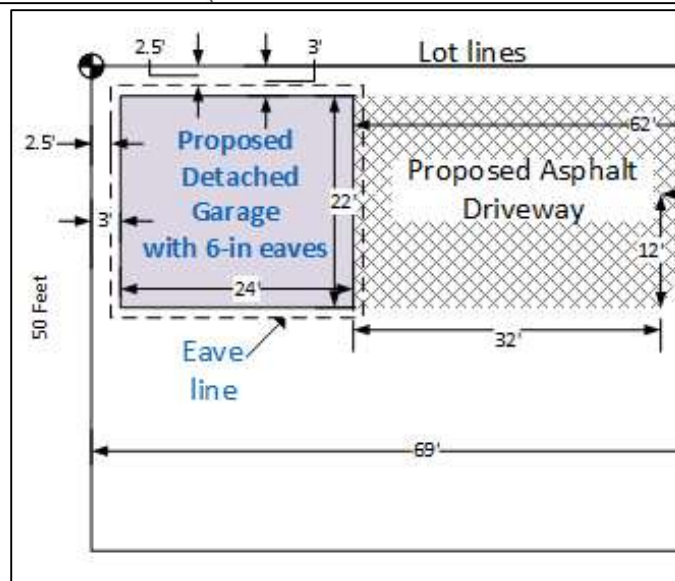
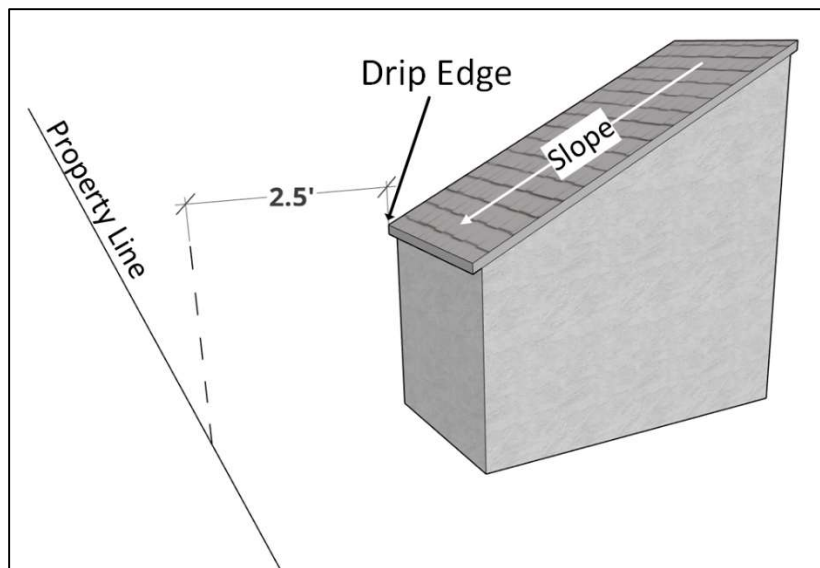
### **Article 7 General Provisions**

#### **Section 54.702 Permitted Encroachments into Required Yard Setbacks**

The following features may be located within required yard setbacks to the extent indicated. Unless explicitly permitted, under no circumstances shall any structure or attachment to a structure protrude to within five (5) feet of a right-of-way line and/or rear property line, or closer than three (3) feet to the side yard property line.

- (B) **Architectural Features.** Cornices, canopies, eaves, or similar architectural features may project into required yard setback areas to a maximum of two and one-half (2.5) feet from the property line. The eave measurement shall be taken from the max extent of the roof slope at the farthest point (also known as the drip edge) to the property line. Gutters are not included in the measurement as they are allowed to encroach past two and one-half (2.5) feet.

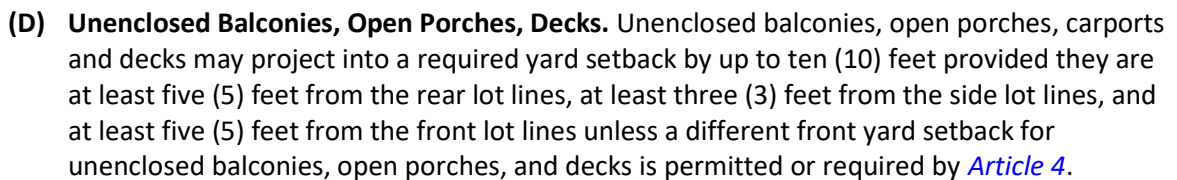
**Figure xx. Examples of Measurement for Eaves**



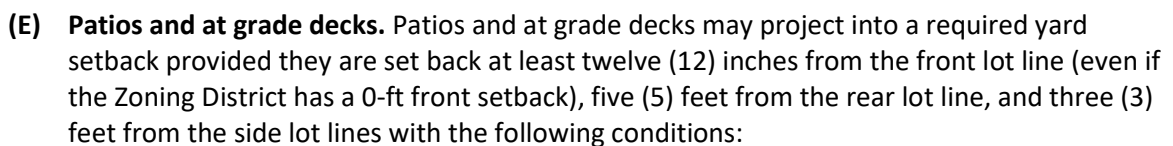
(C) **Access Ways.** Unenclosed stairs, steps, fire escapes, and access ramps may project into yard setbacks, provided that they are set back at least twelve (12) inches from the front lot line, five (5) feet from the rear lot line, and three (3) feet from the side lot lines with the following exceptions:

- (1) Front yard setbacks are not required for barrier-free access ramps if resident requires ramp access due to a disability and there is not adequate space to locate the ramp elsewhere on the property. When such ramp is no longer required it shall be considered a legal, nonconforming encroachment.
- (2) Window wells, egress windows, and basement escape ladders required by fire codes may project into required yard setbacks the minimum amount necessary to meet the fire code requirement.
- (3) Existing step or walls that are located between the front property line and 12 inches into the private property may be maintained but not rebuilt, per [Section 54. 1202](#) of the LDC.
- (4) New/Proposed steps must be set back at least 12 inches from the front property line, even if the Zoning District has a 0-ft front setback. If existing steps or walls protrude into the public right-of-way and are in disrepair, a Grant of License to use public property must be sought for approval to conduct rebuilding work to restore the structure to like-

### Figure xx. Example of Measurement for Access Ways

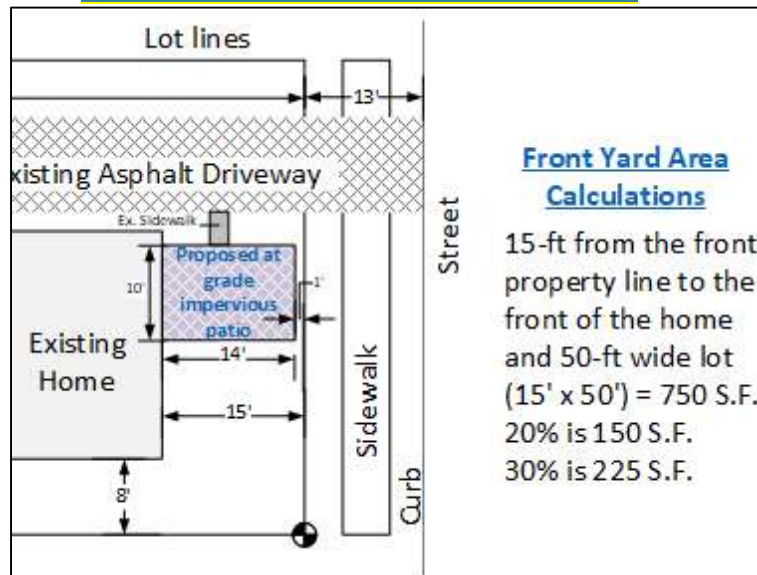


### Figure xx. Example of Measurement for Open Porch



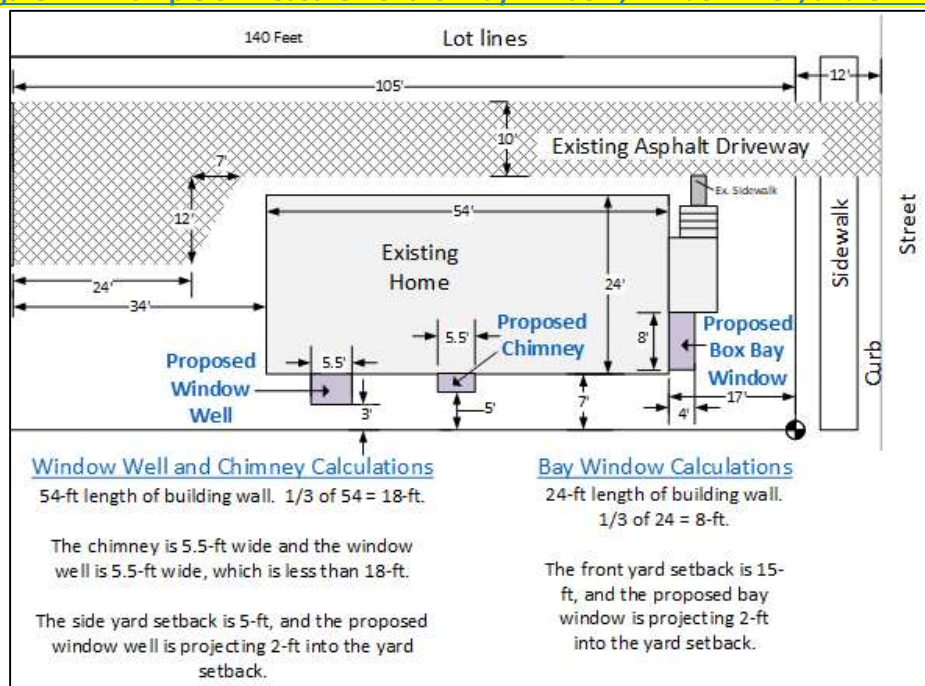
- (1) The patio cannot occupy more than 20% of the front yard area if the surface is impervious to water percolation. Patios that are made of pervious materials or designed to allow water percolation or are mitigated by storm water detention facilities (such as rain gardens), and that are not used for parking, may occupy up to 30% of the front yard.
- (a) If the patio is also used for parking it must also meet [Sections 54.902\(E\)\(1\)\(d\)](#) and [54.902\(E\)\(1\)\(e\)](#).

**Figure xx. Example of Measurement for Patio**



- (F) **Bay Windows, Basement Window Wells, and Chimneys.** Bay windows, basement window wells, and chimneys may project into yard setbacks by up to two (2) feet, provided that such features do not occupy, in the aggregate, more than one-third ( $1/3$ ) the length of the building wall on which they are located.

**Figure xx. Example of Measurement for Bay Window, Window Well, and Chimney**



**(G) Accessory Structures.** Accessory structures may project as allowed in [Section 54.705](#).

**(H) Structural Amenities.** A structural amenity, such as outdoor art, paintings, sculpture, fountains and similar water features, benches, arbors, doghouses, playsets, birdfeeders, clotheslines, air conditioners, detached open structures, and similar amenities as determined by the Zoning Administrator may be located a minimum of three (3) feet from a side **or rear** lot line and a minimum of five (5) feet from a front ~~or rear~~ lot line, subject to the following requirements:

- (1) Clear Vision Triangle Area.** All structural amenities must meet traffic visibility regulations of [Section 54.704](#).
- (2) Durable Materials and Construction.** Structural amenities must be composed of durable materials such as steel, bronze, stained glass, concrete, wood, ceramic tile, stone, or other similar material durable against weather and requiring a low level of maintenance.
- (3) Maintenance.** Structural amenities must be maintained in a safe, neat, and orderly manner acceptable to the City. The City may require the owner of the structural amenity to submit a maintenance plan for review. The City shall determine the acceptable maintenance of a structural amenity to prevent blight.
- (4) Secure Location.** Structural amenities must be properly secured to provide stability. The structural amenity may be attached or secured to the ground, or it may be attached to the principal structure or accessory structure (excluding roof attachment). **Objects that are taller than the distance from the public right-of-way to the object's location on the ground will be ordered to be removed immediately if found to be unstable.**
- (5) Maximum Height:** No attached or detached structural amenity shall exceed sixteen and one-half (16.5) feet in height.
- (6) Prohibitions.** The following ~~are~~ **is** prohibited:
  - (a)** Structural amenities that have deteriorated or are otherwise determined by the City to be blight.
  - ~~**(b)** Structures that are beyond the scope of a structural amenity and should be regulated under a different section of this Ordinance, such as fences ([Section 54.706](#)), accessory structures ([Section 54.705](#)), or signs ([Article 11](#)).~~
- (7) Beyond the scope of structural amenity.** **Structures that are beyond the scope of a structural amenity and should be regulated under a different section of this Ordinance, such as fences ([Section 54.706](#)), accessory structures ([Section 54.705](#)), or signs ([Article 11](#)).**
- (7 8) Permit and Exemptions.** A permit is required for structural amenities unless it meets the following exemptions, and the structural amenities must meet the requirements of 54.702(G):
  - (a)** Enclosed structural amenities less than sixteen (16) square feet in floor area/footprint. Examples of such amenities include dog/bat/bird houses, treehouses, library boxes, and garden sheds.
  - (b)** Open/Unenclosed structural amenities, such as children's playsets, and seasonal or collapsible temporary structures such as tents and similar shelters less than 160 square feet in floor area.
  - (c)** **Tents designed for temporary occupancy (14 days or less), used on private property with the property owners' permission.**

**(I) Food Production, Minor.** Where Minor Food Production is permitted, the permitted structure encroachments are regulated in [Section 54.6198](#).

## **Section 54.705      Accessory Buildings and Structures**

All accessory buildings and structures must meet the setback and height requirements of [Article 4](#) unless otherwise stated in this Section or in another section of this Ordinance applicable to accessory buildings and structures. No accessory building or structure may be located on any parcel



of land which does not have a principal building or use already established or being established contemporaneously with the accessory building or structure.

**(A) Accessory Buildings and Structures in the Low Density Residential (LDR) District, Medium Density Residential (MDR) District, and Mixed-Use (M-U) District.**

- (1) Attached Accessory Buildings and Structures.** Where the accessory building or structure is structurally attached to a main building, it shall be subject to, and must conform to, all yard regulations of this Ordinance, applicable to main building.
- (2) Location.** Detached accessory buildings or structures shall not be located in any required yard setback except as permitted in [Section 54.705\(A\)\(4\)](#).
- (3) Maximum Lot Coverage.** Detached accessory buildings or structures (such as concrete or asphalt structures) shall not occupy more than twenty-five percent (25%) of a rear yard area, provided that in no instance shall the total ground floor area of the detached accessory buildings exceed the ground floor area of the main building and provided the impervious surface coverage limits of the lot (see [Article 4](#)) are not exceeded.
  - (a)** If the main structure's footprint is less than 500 square feet at full build out, an accessory structure may exceed the ground floor area of the main structure (home) by up to 10 percent of the footprint area of the main structure. An accessory structure footprint may be increased to equal that of the main structure if the main structure is remodeled to more than 550 square feet.
  - (b)** Patio **Pervious** pavers **that are used for accessory structures such as patios, sidewalks, etc.** that allow infiltration are not included in the 25% calculation.
- (4) Separation and Setback Distances.** No permanent accessory building or structure shall be located in a minimum front yard setback. No detached accessory building shall be located closer than five (5) feet to any main building nor closer than three (3) feet from a side or rear lot line, except swimming pools, which are regulated in [Section 54.707](#). Non-building accessory structures (e.g., fences and steps) or open buildings (i.e., a shelter without walls including an open lean-to or open carports) are not subject to the minimum separation distance requirements unless a minimum separation distance is required by the Building Official.
- (5) Maximum Height.** Unless otherwise stated in this Ordinance, no attached or detached accessory building or structure in a the LDR, MDR, and M-U Districts shall exceed sixteen and one-half (16.5) feet in height. The height of Accessory Dwelling Units must comply with [Section 54.6121](#).
- (6) Shipping containers, cargo containers, or semi-trailers are prohibited as accessory structures.**

**(B) Accessory Buildings and Structures in the Multiple Family Residential (MFR) District.** In the MFR District, accessory buildings and structures for multiple-family buildings and apartments with 5+ dwelling units must meet the requirements of [Section 54.6165\(C\)](#). For all other uses in the MFR District, the following requirements apply:

**(1) Detached Accessory Buildings and Structures.**

(a) **Maximum Height.** No detached accessory building or structure may exceed 16.5 feet in height.

(b) **Minimum Side and Rear Yard Setbacks.** Detached accessory buildings or structures for a duplex shall be located at least six (6) feet from the side and rear property lines, and for a single-family home shall be located at least (3) feet from the side and rear property lines. For all other uses in the MFR District besides multiple-family buildings and apartments, detached accessory buildings or structures shall be located at least ten (10) feet from the side and rear property lines.

(c) **Front Yard Location Prohibited.** No detached accessory building or structure shall be located in a front yard.

(d) **Maximum Lot Coverage.** Detached accessory buildings or structures shall not occupy more than twenty-five percent (25%) of a rear yard area, provided that in no instance shall the total ground floor area of the detached accessory buildings exceed the ground floor area of the main building and provided the impervious surface coverage limits of the lot (see [Article 4](#)) are not exceeded.

(i) If the main structure's footprint is less than 500 square feet at full build out, an accessory structure may exceed the ground floor area of the main structure (home) by up to 10 percent of the footprint area of the main structure. An accessory structure footprint may be increased to equal that of the main structure if the main structure is remodeled to more than 550 square feet.

(ii) Pervious pavers that are used for accessory structures such as patios, sidewalks, etc. that allow infiltration are not included in the 25% calculation.

(e) **Separation and Setback Distances.** No detached accessory building or structure shall be located closer than five (5) feet to any main building. Non-building accessory structures (e.g., fences and steps) or open buildings (i.e., a shelter without walls including an open lean-to or open carports) are not subject to the minimum separation distance requirements unless a minimum separation distance is required by the Building Official.

(f) Shipping containers, cargo containers, or semi-trailers are prohibited as accessory structures.

(2) **Attached Accessory Buildings and Structures.** Attached accessory building or structure shall meet the yard requirements of the Schedule of Regulations ([Article 4](#)).

(3) **Swimming Pools.** Outdoor swimming pools shall not be located closer than ten (10) feet to any building or lot line. The pool must comply with [Section 54.707](#).

#### **(F) Accessory Buildings and Structures in Mobile Home Park (MHP) District.**

##### **(1) Detached Accessory Buildings and Structures.**



(a) **Maximum Height.** No detached accessory building or structure may exceed 24 feet in height.

(b) **Minimum Side and Rear Yard Setbacks.** Detached accessory buildings or structures shall be located at least six (6) feet from the side and rear property lines.

(c) **Front Yard Location Prohibited.** No detached accessory building or structure shall be located in a front yard.

(d) **Separation and Setback Distances.** No detached accessory building or structure shall be located closer than five (5) feet to any main building. Non-building accessory structures (e.g., fences and steps) or open buildings (i.e., a shelter without walls such as a pergola) are not subject to the minimum separation distance requirements unless a minimum separation distance is required by the Building Official.

(F) **G) Exemptions.** Structural amenities, as described and regulated in [Section 54.702\(GH\)](#), are not classified as accessory buildings and structures in this Ordinance.

(G) **H) Structures Accessory to Food Production, Minor.** See [Section 54.6198](#).

(H) **I) Temporary Structures in all Zoning Districts.** The City may permit temporary structures in any zoning district during the duration of a permitted temporary land use, subject to the following requirements:

(1) **Outdoor Temporary Retail Sales and Service Areas.** Temporary structures for outdoor retail sales and service areas must meet the requirements of [Section 54.638](#).

(2) **Outdoor Entertainment and Community Events.** Temporary structures for outdoor entertainment and community events must meet the requirements of [Section 54.635](#).

Structures erected for approved Outdoor Entertainment and Community Events uses must be removed when each discrete event ends, unless otherwise stated in the Zoning Compliance Permit for the event(s).

(3) **Applications and Permits.**

(a) The property owner must contact the Zoning Administrator to determine if a Zoning Compliance Permit is required prior to the establishment of a temporary structure, with exceptions as stated below. The property owner must also contact the County Building Code Administrator to determine if a building permit is required. Temporary structures intended to be used for non-customary commercial activity (e.g., those requiring Special Land Use permits, use for recurring sales in a parking lot, or an alcohol permit) require the approval of the Zoning Administrator and the Fire Administrator ~~prior to erection and use before being erected.~~

(b) **Exempt Temporary Structures.** The following temporary structures are exempt from a Zoning Compliance Permit but shall conform to applicable height, yard/setback, and greenbelt standards for their zoning district:

(i) Structures that are reviewed and approved with a business license issued by the City Clerk.

(ii) Structures erected via municipal or DDA authority for programmed or permitted outdoor seasonal activities and events.

- (iii) Structures that meet the structural amenities exemption per [Section 54.702\(H\)\(8\)](#), such as residential structural amenities, such as tents and patio canopies.
- (iv) Small fabric structures for accessory uses - except *temporary retail sales or services*, or for *Outdoor Entertainment and Community Events* purposes - such as an “easy-up” tent/shelter, are exempt for one-day events.
- (v) Enclosed structures used as mobile offices and other temporary structures that are being used for and during the construction of permanent facilities that have been approved for zoning compliance.
- (vi) Portable seasonal storage, including portable carports and seasonal portable greenhouses, when in use for less than 180 days per calendar year. Such structures can be used for more than 180 days only with Zoning Compliance Permit approval for permanent use.

**(4) Secure Placement of Temporary Structures.** Temporary structures shall not have foundations or footings, but must be properly secured to the ground.

**(5) Location, Size, and Accessibility.** The location, size, and construction of all temporary structures (including tents [except in Section 54.705\(I\)\(3\)\(b\)](#)) require approval by the Zoning Administrator and the Fire Administrator, and shall conform to applicable height, yard/setback, and greenbelt standards for their zoning district. The location of the temporary structures shall be located in a manner that will not interfere with vehicular or pedestrian mobility, access, or parking, and shall meet Michigan barrier-free requirements. Temporary structures shall not obstruct the entrance to any building or sidewalk, ~~nor shall they obstruct or~~ any barrier-free ramp or access aisle. If temporary structures are located on a private sidewalk, a minimum five (5) foot wide unobstructed pathway shall be maintained on the sidewalk for pedestrian traffic. ~~The Zoning Administrator or Fire Administrator may deny a permit for a temporary structure if the structure interferes with traffic patterns or access to required parking spaces, or if the Zoning Administrator or Fire Administrator determine that the size of the structure is excessive for the temporary land use.~~

**(6) ~~Duration and Removal.~~** The temporary structure must be removed when the associated temporary use has ceased, [or upon reaching the end of the term of permitted use](#). ~~A temporary structure may be permitted for more than 120 days in a 12-month period~~

- ~~(a) Structures for outdoor food and beverage service, whether for indoor or outdoor dining.~~
- ~~(b) Structures erected via municipal or DDA authority for programmed outdoor summer or winter activities.~~
- ~~(c) Structures that are being used in relation to and during the construction of permanent facilities that have been approved for zoning compliance and building permits.~~

~~The Zoning Administrator may extend the period of permission for up to 180 days in total during a 12-month period, in any of the above cases, upon request of the property/structure owner and based on the relevant circumstances (i.e. reason for request)~~

## Section 54.706 Fences and Walls

### (C) Requirements by Zoning District:

#### (1) LDR, MDR, and MFR Districts.

- (a) **Height.** Fences and walls shall not exceed six (6) feet in height, with the following exceptions:

(i) **Adjoining a Lot Containing a One- or Two-Family Dwelling or Adjoining a Vacant Lot that Could Contain a One- or Two-Family Dwelling.** Where a fence or wall is within ten (10) feet of an adjoining lot containing a one- or two-family dwelling or within ten (10) feet of an adjoining a vacant lot that could contain a one- or two-family dwelling; the fence or wall shall not exceed four (4) feet in height if it is located in the side or front yard (see *Section 54.706(C)(1)(a)(iii)* for additional front yard requirements), with the following exceptions:

~~(1) Where the rearmost wall of the neighboring dwelling structure is between the front wall and rear wall of the subject home, a 6-ft. screening fence may be built to the rear of the neighboring dwelling's rearmost wall along that side of the subject property, and each side of the property is treated independently. Where the rearmost portion of the subject property is a shed/garage for vehicle or other storage, and not containing dwelling space, it shall not be counted as the rearmost portion of the dwelling.~~

~~(2)~~ **1) For required retaining walls.**

**(2) On corner lots, a residential screening fence may be six (6) feet tall, located in the rear yard and up to the front wall of the primary dwelling in the side yard.**

**(3) An interior block property adjacent to a corner property may place a 6-ft. tall screening fence within its property boundaries to match the placement allowed on the corner property so that either property has the same opportunity to have a screening fence in directly adjacent areas of their yards.**

**(4) For interior-block residences that are located fully behind the adjacent primary residences along the side lot lines, screening fences may be six (6) feet tall, located in the rear yard and up to the neighboring primary dwellings' rear wall.**

**(5) For interior-block residences, where the rearmost wall of the neighboring primary dwelling structure is between the front wall and rear wall of the subject home, a 6-ft. screening fence may be built to a point aligned on the rear wall of the neighboring primary dwelling in that side yard of the subject property. Each side of the property is treated independently. Where the rearmost portion of the subject property is a shed/garage for vehicle or other storage, and not containing dwelling space, it shall not be counted as the rearmost portion of the dwelling.**

**(ii) Street Sides of Corner Lots.** On the street sides of corner lots, a fence or wall may not exceed four (4) feet in height between the rear **front wall** of the **primary** dwelling and the corner on either street frontage.

**(iii) Front Yard Requirements.** A fence in a front yard may not exceed four (4) feet in height **unless it meets Section 54.706(C)(1)(a)(i) above.** Walls **over three (3) feet in height** are prohibited in a front yard except for retaining walls. **Walls must be set back**

**(b) Construction.** A fence limited to four (4) feet, as stated in [Section 54.706\(C\)\(1\)\(a\)](#) above, may not have more than 50% of the fence area of solid matter or of closed construction (See [Figure 35](#) for examples of noncompliant fences). A six (6) foot high fence may be of solid, opaque construction. A screening fence required by any City ordinance or by State law may be of solid, opaque construction. **Walls may be of solid, opaque construction.**

[illegible]

**(3) Temporary Fences.** Temporary fences, as defined herein, may be permitted by the City in conjunction with an approved temporary activity/purposes, such as construction, landscaping and grading erosion control, temporary sales areas, temporary events, or snow and garden fencing (as long as it is not permanently anchored and the use is temporary for the snow or growing season). The type of temporary fencing used must be appropriate for the temporary activity, and in most cases a temporary fence must be installed prior to the temporary activity and should be removed soon after the end of the temporary activity. Temporary fencing that does not meet these standards may be considered a violation of this section. **Temporary garden and snow fences cannot be in place greater than**

6 months in a calendar year. Temporary fencing that is not permanently anchored and the use is temporary does not require a fence permit.

## **SECTION 7. Article 8 – Environmental Performance Standards**

**Chapter 54 – LAND DEVELOPMENT CODE, Article 8 – Environmental Performance Standards is hereby amended as follows:**

### **Section 54.801 Standards Applicable to Industrial Uses, Processes, and Districts**

(C) **Permits.** Prior to final approval of a Site Plan and/or Special Land Use Permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality Environment, Great Lakes, and Energy (EGLE). The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in Section 54.1402.

### **Section 54.805 Wetland Protection**

All wetlands are located in the Riparian Overlay District ([Section 54.320](#)) and subject to the regulations therein. The Riparian Overlay District includes provisions for definitions, setbacks, buffers, and permitted and prohibited activities within wetlands and wetland buffer areas. Wetlands are defined in the Michigan Natural Resources and Environmental Protection Act (Public Act 451 of 1994, as amended). No activity shall be permitted in a wetland unless done in accordance the Riparian Overlay District and, if necessary, a wetlands permit has been obtained by the applicant from the Michigan Department of Environmental Quality Environment, Great Lakes, and Energy (EGLE).

### **Section 54.807 Standards for Excavation/Mining Activities**

The extraction of sand, gravel, or other raw materials at or below grade and the processing of such materials upon any property are subject to the standards adopted in [Section 54.632](#), provided the state law does not preclude them.

## **SECTION 8. Article 9 – Parking, Loading, and Access Management**

**Chapter 54 – LAND DEVELOPMENT CODE, Article 9 – Parking, Loading, and Access Management is hereby amended as follows:**

### **Article 9 Parking, Loading, and Access Management**

### **Section 54.902 Parking Regulations**

(E) **Parking Standards Applicable to Specific Zoning Districts.**

(1) **LDR and MDR Districts and single-family and two-family structures in other zoning districts.**

- (a) **Definition of “Front Area.”** For the purposes of [Section 54.902\(E\)\(1\)](#) only, the “Front Area” is that area located between the edge of the physical street and the nearest point of the dwelling foundation (excluding open porch projections), projected parallel from the street.
- (b) **Off-Site Parking in the LDR and MDR Districts.** In the LDR and MDR districts, off-street parking may be located on a site other than the site to which it pertains, and within the City limits or in an adjacent township.
- (c) **Maximum Rear Yard Paving.** In the LDR and MDR districts, no more than 25% of the rear yard may be paved (including but not limited to asphalt or concrete, but with the exception of compacted gravel) for parking provided the impervious surface coverage limits of the lot (see [Article 4](#)) are not exceeded.
- (d) **“Front Area” Parking Limitations.** Parking in the front area is permitted only on an approved hard surface parking space and/or driveway, or in a garage (see definition of “Hard Parking Surface” in [Section 54.202\(A\)\(92\)](#)). Parking spaces in the front yard area must be at least two (2) feet from the side lot line, at least two (2) feet from the inside edge of a sidewalk, and at least ten (10) feet from the edge of an established street. The encroaching driveways and parking spaces must be drained so as to dispose of all surface water accumulated in such a way as to preclude drainage of water onto adjacent property or toward adjacent buildings. ~~New or expanded driveways must be separated from the side lot line by a minimum of 12 inches of pervious surface (including but not limited to uncompacted pea gravel, cobbles, grass, etc.) to ensure a pervious buffer between driveways and the adjacent lot line, with the exception of the presence of a retaining wall along the subject lot line or other such difficulty. The Zoning Administrator may permit parking in a front area during the winter parking ban period for single-family or duplex dwelling units upon request for a Front Yard Parking Waiver for a limited time when the site cannot be altered without causing a hardship on the property owner, or indefinitely in rare cases that the site cannot be reasonably altered to create one (1) additional parking space or a widened driveway. Self-created difficulties, such as adding renters and vehicles, are not applicable to the consideration for a Front Yard Parking Waiver.~~
- (i) Front Yard Parking Waiver.** The Zoning Administrator may permit parking in a front area during the winter parking ban period for single-family or duplex dwelling units upon request for a Front Yard Parking Waiver for a limited time when the site cannot be altered without causing a hardship on the property owner or if the property owner has relevant documented disabilities, or indefinitely in rare cases that the site cannot be reasonably altered to create one (1) additional parking space or a widened driveway. Self-created difficulties, such as adding renters and vehicles, are not applicable to the consideration for a Front Yard Parking Waiver.
- (e) **Maximum Driveway Width and Paved Area.**
- (i) Single-family uses:
- For lots with one driveway - The maximum width of a driveway on a single frontage is 18 feet wide on a lot up to and including 60 feet in width, and 24 feet wide on a lot of more than 60 feet in width.
  - For lots with two driveways - On a lot 100 feet or more in width, the maximum width of both driveways combined is 36 feet wide on the same frontage

- (ii) Duplex/two-family uses - The maximum width of a driveway is 24 feet wide.
  - (iii) A driveway may be widened beginning at a point two (2) feet from the inside edge of a sidewalk or ten (10) feet from the edge of an established street without sidewalks, provided the hard parking surface areas of the driveway or driveways and parking spaces utilize no more than 30% of the front area for single-family dwelling units and no more than 40% of the front area for duplex dwelling units.
  - (iv) An application for the paving of more than 30% of the front area can only be accepted if a variance is first approved for the proposed paving pursuant to [Section 54.1404](#).
  - (v) On corner lots, there shall be two (2) front areas. For single-family dwelling units the overlapped area at the corner may be counted with either front area, but not both, (at the discretion of the property owner) and the two (2) front areas may not be combined for the purpose of exceeding the 30% maximum hard parking surface within either front area. For duplex dwelling units, the overlapped area at the corner may overlap and be combined to utilize up to 40% of the front area for hard parking surfaces in either or both front areas.
- (f) **Maximum Number of Driveway Openings Per Site.** On lots with one (1) frontage, a maximum of two (2) driveway openings per site are permitted, provided the lot is at least 100 feet wide. On lots with more than one (1) frontage, a maximum of one (1) driveway opening per frontage is permitted, except on frontages of 100 ft. or more in length – upon which an additional driveway is allowable. All curb cuts and separation distances must meet the requirements of Chapter 42 of the Code of Ordinances (Streets, Sidewalks, and Other Public Places).
- (g) **Previously Approved Hard Parking Surface Residential Locations.** Hard parking surface residential parking locations approved under a previous ordinance are not subject to provisions of [Section 54.902\(E\)\(1\)](#) provided that the minimum safeguards are met for all parking uses where vision hazards and locations impact public safety.
- (h) Driveway Separation Requirement at Side Lot Line.** New or expanded driveways must be separated from the side lot line by a minimum of 12 inches of pervious surface, including but not limited to turf grass or other ground cover plants, permeable pavers, or other stable cover materials. The requirement may be waived by the Planning Commission or Zoning Administrator, per relevant authority, if physical difficulties exist, such as the presence of a retaining wall along the lot line. This requirement is waived where existing paved driveways owned by neighbors are conjoined (but not necessarily shared) or otherwise meet at the property lines. However, eliminating shared driveways is encouraged to avoid maintenance disputes and other disagreements over time.
- (h i) Application of Parking Development Standards.** All one- and two-family residential parking spaces shall be exempt from the standards of [Section 54.905](#), except that site plans drawn to scale shall be submitted to the Zoning Administrator for review and approval for creation of driveways or parking spaces. Parking spaces may be on pavers or other hard parking surfaces that have an unpaved strip between the surfaces supporting the wheels. For purposes of providing required parking spaces onsite, the minimum dimensions for residential parking spaces shall be nine (9) feet wide by eighteen (18) feet long. Driveways in the front yard must be a full-width hard parking surface. Curb cut and driveway permits shall be obtained from the City Engineer when curb cuts are made or modified or if there is any work in the right-of- way for a driveway.



**(H) Maximum Parking Allowed.** In order to minimize excessive areas of pavement which depreciate aesthetic standards and contribute to higher rates of storm water runoff and higher micro temperatures, exceeding the minimum parking space requirements of [Section 54.903](#) by greater than twenty percent (20%) is prohibited, except as approved by the Planning Commission or Zoning Administrator (see [Article 14](#)). In its request for additional parking spaces, the applicant must submit a parking study to the Planning Commission or Zoning Administrator (see [Article 14](#)) demonstrating that additional parking spaces are needed based on the nature of the use and/or peak times thereof. In determining whether to grant additional parking spaces, the Planning Commission shall also consult the most recent edition of the *Parking Generation*, published by the ITE, or other acceptable standard.

**(1)** If a site plan proposes to exceed the maximum amount of parking allowed, any parking spaces in an enclosed building would not be considered in violation of the maximum number allowed – since the intent of the maximum is to reduce surface parking - and therefore the spaces may be counted towards the total but any number above the maximum allowed that are indoors would not be counted as above the maximum.

## Section 54.903 Minimum/Maximum Number of Parking Spaces

In all districts there shall be provided off-street parking for motor vehicles for specified land uses. When a public parking lot has been provided by special assessment, the minimum required parking may be reduced by the number of spaces in the public lot representing the same percentage as the property's participation in the special assessment district costs. The minimum/maximum number of spaces to be provided shall be based on the following schedule, which may only be *increased* in accordance with [Section 54.902\(H\)](#) and may only be *reduced* in accordance with the parking reduction standards of [Section 54.902\(G\)](#), [Section 54.908\(D\)](#), or the shared parking standards of [Section 54.902\(C\)](#):

**(G) Parking Reduction Formula.** After calculating the number of parking spaces necessary to meet the standards in [Section 54.903](#), the parking requirements for uses, other than residential, in the non-residential zoning districts (i.e., non-LDR, -MDR, -MFR, and -MHP zoning districts) may be modified using [Figure 43](#). If a greater parking reduction is requested, the City may approve fewer parking spaces based on a professionally prepared parking study and/or the most recent edition of *Parking Generation* published by ITE. Also see [Section 54.908\(D\)](#) for reductions in motor vehicle parking that may be achieved by substitution if bicycle parking spaces are provided in the specified quantity.

## Section 54.905 Parking Layout, Design, Construction, and Maintenance

All off-street parking shall be laid out, constructed, and maintained according to the following standards and regulations:

**(G) Surface and Drainage.** The entire parking lot including parking spaces and maneuvering lanes required under this Section, must be provided with a hard paving surface in accordance with specifications approved by the City Engineer (see definition of “Hard Parking Surface” in [Section 54.202\(A\)\(92\)](#)). The parking area shall be surfaced within (1) year of the date the permit is issued. Off-street parking lots, including the driveways, must be drained so as to dispose of all surface water accumulated in the parking areas and driveways in such a way as to preclude drainage of water onto adjacent property or toward buildings. Storm water management systems are encouraged to include one (1) or more of the Best Management Practices (BMPs) published by the Michigan Department of Environmental Quality (MDEQ) [Environment, Great Lakes, and Energy \(EGLE\)](#) or any



other BMP accepted by the City, such as underground infiltration trenches, rain gardens, cisterns, and swales.

- (L) **Parking Lot Border.** Unless parking lot landscaping and screening is required by [Section 54.1003\(C\)\(1\)](#), a two-foot wide border must be created and maintained between a parking lot, and the adjacent buildings and/or property lines. This border must be landscaped or paved with concrete as a walkway, and may be included in the required snow storage area.

(1) **Exception.** Two adjacent property owners may create a shared parking lot without the necessity of maintaining a two-foot border between their property lines, provided the proposal complies with Section 54.902(C) and the adjacent property owners provide a comprehensive parking easement agreement that identifies responsibilities for various maintenance tasks - including snow removal, repaving, and landscaping upkeep. Furthermore, this parking easement agreement shall be recorded with the Marquette County Register of Deeds.

## **54.908 Bicycle Parking Requirements and Parking Space Reduction/Substitution for Bicycle Parking**

(A) **Intent.** To provide convenient and dignified parking places for bicyclists to store bicycles securely and to support non-motorized travel and travelers within the city.

(B) **Application.** – new/proposed or remodeled buildings (where the likely cost of remodeling will exceed fifty/50 percent of the assessed value of the existing structure at time of application).

(C) **Standards.** Bicycle parking is required to meet the following standards and regulations:

(1) The required amount of bicycle parking shall meet the amount/use schedule for specific land uses, according to [Figure XX](#). Bicycle parking types and options are as shown in [Figure XX](#).

(2) Required short-term bicycle parking facilities shall be located in a convenient and visible area, within fifty (50) feet of a principal entrance. If this location standard cannot be met, the Planning Commission or Zoning Administrator may approve alternative locations. At the time of application, if there are no parking/storage locations on private property that meet the requirements of this section, the installation requirement will be non-binding.

(3) Bicycle parking spaces should be located on paved or pervious surfaces and shall be a minimum of two (2) feet by six (6) feet. The installation of parking racks shall follow the manufacturer's specifications or other best practices, ensuring that comfortable access space around bicycle racks is provided, parked bicycles do not obstruct walkways, and the spaces are accessible without requiring the movement of another bicycle.

(4) All bike racks must permit the locking of the bicycle frame and one (1) wheel to the rack while supporting a bicycle in a stable position. Racks shall accommodate cable locks and "U" locks.

(5) For multi-building development, bicycle parking shall be provided for each building occupied by a dwelling or a work station.

(6) Bicycle parking not meeting dimensional or access aisle requirements may be installed, but shall not count towards a minimum bicycle parking requirement.

### **(D) Motor Vehicle Parking Space Reduction by Bicycle Parking Substitution**

(1) For every four (4) bicycle parking spaces added above the minimum number required, one (1) vehicle parking space may be removed from the required amount. Maximum substitution

amount of three (3) vehicle spaces. The minimum number of vehicle parking spaces required after substitution is two (2).

- (2) Bicycle parking substituted for *motor vehicle/car and truck* parking may be horizontal or vertical, as long as dimensional requirements are met as described in section 54.908(A)(5)

**Figure xx. Bicycle Parking Calculations**

| LAND USE TYPE                                                                | PARKING STANDARDS – MINIMUM SPACE REQUIREMENTS                                                                                    |
|------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| A) RESIDENTIAL: Single-Family 1-4 units                                      | A) No spaces required, but storage space should be allocated.                                                                     |
| B) RESIDENTIAL: Multi-Family 5+ units w/ Private Garage Space for Units      | B) 1 weather-protected/sheltered space for any units without a garage or other large storage space.                               |
| C) RESIDENTIAL: Multi-Family 5+ units w/o Private Garage Space for Each Unit | C) 1 sheltered space per dwelling unit.                                                                                           |
| OFFICE                                                                       | 2 spaces + 1 sheltered space for each 10 employees per shift (e.g. 34 employees per shift = 3 sheltered spaces + 2 others)        |
| RETAIL                                                                       | 2 spaces + 1 additional space/10,000 sq. ft. of floor area + 1 sheltered space / 20 employees per shift (part-time or full-time)  |
| RESTAURANT or TAVERN                                                         | 2 spaces + 1 additional space/5,000 sq. ft. of floor area + 1 sheltered space/20 employees per shift                              |
| ASSEMBLY, INDOOR RECREATION, and OUTDOOR RECREATION uses.                    | 2 sheltered spaces + 1 add'l sheltered space/10,000 sq. ft. of floor area + minimum of 1 sheltered space / 20 employees per shift |
| A) CIVIC: Non-assembly                                                       | 2 spaces + 1 add'l space/10,000 sq. ft. of floor area or minimum of 1 space / 20 employees per shift                              |
| B) CIVIC: Assembly                                                           | 2 sheltered spaces + 1 add'l sheltered space/10,000 sq. ft. of floor area + minimum of 1 sheltered space / 20 employees per shift |
| LODGING                                                                      | 2 sheltered spaces + 1 sheltered space / 20 employees per shift                                                                   |

**Figure xx. Bicycle Parking Types**

This table shows five common types of Bicycle Parking facilities appropriate for short-term and long-term bicycle parking and includes basic design/performance standards. Please reference the Association for Pedestrian and Bicycle Professionals Bicycle Parking Guide for more detailed design and placement guidance.

| Parking Type                                                                                                                                                                                                                                                                                                                                                                                                                          | Standards                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Bicycle Racks</b></p> <p>Short-term parking</p> <div> <p>INVERTED U<br/>also called<br/>staple, loop</p>  <p>POST &amp; RING</p>  <p>WHEELWELL-<br/>SECURE</p>  </div> | <p>Bicycle Racks shall be capable of securing bicycles short-term (less than a day) with either two points of contact or by an element that cradles one wheel. Simple, easily identifiable forms, like the <i>Inverted U-rack</i> (shown at left) should be used.</p> <p>&lt;&lt; Recommended Types shown.</p> <p>Consult the “Essentials of Bike Parking” Guide published by the Association of Pedestrian and Bicycle Professionals for more details.</p> |
| <b>Bicycle Rack – Decorative/Public Art</b>                                                                                                                                                                                                                                                                                                                                                                                           | Decorative racks shall be recognizable as bicycle                                                                                                                                                                                                                                                                                                                                                                                                           |

|                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Short-term Parking (less than 4 hours)</p>  | <p>parking facilities and shall be held to the same performance standards as other bicycle racks. Such racks may be provided for and designed to enhance civic buildings, <i>civic spaces</i>, and other locations of social or cultural importance. These may not perform as well as other options in small spaces and should be used strategically.</p>                                                                                        |
| <p><b><i>Bicycle Shelters</i></b></p>          | <p><i>Bicycle Shelters</i> shall be highly recognizable and integrated with transit, parks, trailheads, and/or land uses requiring medium or long-term bicycle parking needs. Each shelter shall include bicycle parking racks capable of securing bicycles with at least two points of contact, and may include other bicycling amenities, such as wayfinding maps/signs, air pumps, etc. These are designed for all-day or longer parking.</p> |
| <p><b><i>Bicycle Locker</i></b></p>            | <p><i>Bicycle Lockers</i> are intended for long-term storage and shall be placed in highly visible and well-lit locations, but should not disrupt the function, safety and order of the public realm. They should be associated with land uses and transportation facilities where long-term parking is required.</p>                                                                                                                            |

**SECTION 9. Article 10 – Landscaping and Screening**  
**Chapter 54 – LAND DEVELOPMENT CODE, Article 10 – Landscaping and Screening is hereby amended as follows:**

**Article 10 Landscaping and Screening**

**Section 54.1002 Scope of Application**

- (A) **Uses, Lots, Sites, and Parcels for Which Site Plan Review is Required.** The requirements set forth in this Article shall apply to all uses, lots, sites, and parcels for which Site Plan Review is required and which are developed or expanded following the effective date of this Ordinance. No site plan shall be approved unless that site plan shows landscaping consistent with the provisions of this Article. Furthermore, where landscaping is required, a Zoning Compliance Permit shall not be issued until the required landscape plan is submitted and approved, and a Certificate of Occupancy shall not be issued unless provisions set forth in this Article have been met or a performance guarantee has been posted in accordance with the provisions set forth in [Section 54.1402\(H\)](#).
- (B) **Existing Buildings.** Meeting the requirements of this Article are optional, in cases where the use of an existing building changes or an existing building is re-occupied and for building and/or site alterations that do not require Site Plan Review. **Meeting the requirements of this Article is optional only if the proposed building and/or site alterations do not require Site Plan Review.**

- (C) **Additional Requirements for Landscaping.** The requirements of this Article are minimum requirements, and nothing in this Article shall preclude a developer and the City from agreeing to more extensive landscaping.
- (D) **Existing Landscaping.** Existing landscaping that meets the requirements of this Article may be used to comply with the requirements of [Section 54.1003](#).
- (E) **Uses that do not require site plan review.** Uses that are exempt from site plan review, such as single-family residential must meet [Section 54.1004](#) and [Section 54.1005](#) at all times.
- (F) **Performance Guarantee.** In accordance with [Section 54.1402\(H\)](#), a performance guarantee for landscaping may be required.

## Section 54.1003 Landscaping Design **Buffering and Screening** Requirements

Except as otherwise specified in the general requirements for each zoning district or for the specific land use, all landscaping must conform to the following standards. The clear vision triangle area requirements of [Section 54.704](#) must also be met. Existing landscaping that meets the requirements of this Article may be used to comply with the following standards:

- (B) **Frontage Landscaping.** Where the proposed development/improvements on a site are within a frontage that abuts a public right-of-way, the following landscaping shall be provided in the front yard adjacent to that right-of-way in an area that corresponds in length to the extent of the improvements, (see [Figure 48](#) below) provided there is sufficient area within the front yard for frontage landscaping:

| Type of Landscaping         | Minimum Required Landscaping                               |
|-----------------------------|------------------------------------------------------------|
| Deciduous or Evergreen Tree | 1 per 450 linear feet of road frontage or fraction thereof |
| Ornamental (Flowering) Tree | 1 per 100 linear feet of road frontage or fraction thereof |
| Shrubs                      | 84 per 40 linear feet of road frontage or fraction thereof |

The depth of the frontage landscaping area shall be sufficient to contain the required landscaping and ensure the survivability of plant material. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, or in groupings. However, the Planning Commission or Planning Director, as applicable (see [Figure 51](#)), may require the planting design to use massing or groupings of materials to create a stronger visual impact from the public right-of-way.

### Example of Frontage Landscaping

Length of Road Frontage: 250 linear feet minus 30 foot driveway = 220 feet

#### Required Number of Plants

|                              |                                                                        |
|------------------------------|------------------------------------------------------------------------|
| Deciduous or evergreen trees | $220 \text{ ft.} / 450 \text{ ft.} = 6.4$ deciduous or evergreen trees |
| Ornamental trees             | $220 \text{ ft.} / 100 \text{ ft.} = 3$ ornamental trees               |
| Shrubs                       | $(220 \text{ ft.} / 40 \text{ ft.}) \times 84 = 48.22$ shrubs          |
| TOTAL                        | 6.4 deciduous or evergreen trees, 3 ornamental trees, and 48.22 shrubs |

## PROPOSAL IS TO DELETE THE EXISTING LANGUAGE AND ADD THE PROPOSED LANGUAGE

### ~~(D) Buffer and Greenbelt Requirements.~~

- ~~(1) Intent.~~ It is the intent of this section to provide suitable transitional yards for the purpose of reducing the impact of and conflicts between incompatible land uses abutting district boundaries.
- ~~(2) Buffer and Greenbelt Schedule.~~ On any lot abutting a zoning district boundary, no structure, building or part thereof shall hereafter be erected, constructed, altered or maintained closer to the district boundary line than specified (in feet) in the following schedule ([Figure 50](#)). Where indicated, landscape planting is required.

**Figure 50. Required Buffer and Greenbelt Specifications**

| District in which Buffer and Greenbelt is Required (below) | Abutting Zoning District |                   |                   |                   |                   |                   |              |                   |
|------------------------------------------------------------|--------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|--------------|-------------------|
|                                                            | LDR and MDR              | MFR               | MHP               | M-U               | CBD               | GC and RC         | C, M, and CR | I-M and BLP       |
| LDR and MDR                                                | N/A                      | N/A               | N/A               | N/A               | N/A               | N/A               | N/A          | N/A               |
| MFR                                                        | 30 <del>(a)</del>        | N/A               | N/A               | 35                | 35                | 35                | N/A          | 40 <del>(a)</del> |
| MHP                                                        | N/A                      | N/A               | N/A               | N/A               | N/A               | N/A               | N/A          | N/A               |
| M-U                                                        | 15 <del>(a)</del>        | 15 <del>(a)</del> | N/A               | N/A               | N/A               | N/A               | N/A          | 20 <del>(a)</del> |
| CBD                                                        | 15 <del>(b)</del>        | 15 <del>(b)</del> | N/A               | N/A               | N/A               | N/A               | N/A          | 10 <del>(a)</del> |
| GC and RC                                                  | 40 <del>(b)</del>        | 40 <del>(b)</del> | N/A               | N/A               | N/A               | N/A               | N/A          | 20 <del>(b)</del> |
| C, M, and CR                                               | N/A                      | N/A               | N/A               | N/A               | N/A               | N/A               | N/A          | N/A               |
| I-M and BLP                                                | 40 <del>(c)</del>        | 40 <del>(c)</del> | 40 <del>(c)</del> | 25 <del>(c)</del> | 25 <del>(c)</del> | 25 <del>(b)</del> | N/A          | N/A               |

- ~~(a)~~ Within this buffer area, one (1) tree per 30 linear feet is required.
- ~~(b)~~ Within this buffer area, one (1) tree per 20 linear feet is required, and at least 50% of the trees must be evergreen trees. Where a CBD, GC, or RC district abuts any residential district, a fence at least four (4) feet in height shall be erected within the business district boundary, except where the boundary is a public right-of-way.
- ~~(c)~~ A staggered double row of evergreen trees spaced 15 feet on center. The planting shall be in a manner where the evergreen trees provide 80% opacity within three (3) years of planting, measured at six (6) feet above the grade. After three (3) years, if this opacity is not achieved then additional evergreen trees and/or evergreen shrubs must be planted to achieve 80% opacity at the time of their planting. Where an I-M or BLP district abuts any residential district the Planning Commission may require a screening fence, not to exceed 12 feet in height to be erected on the industrial property pursuant to [Section 54.706](#) to obscure the industrial use and storage from the adjacent residential property.

### ~~(3) Exceptions to Buffer and Greenbelt Schedule.~~

- ~~(a)~~ Where the district boundary is the centerline of a right-of-way, the greenbelt and buffering standards of this sub-section do not apply in these areas and other landscaping and buffering requirements of this Article apply instead (e.g., frontage landscaping requirements and

loading area requirements).

- (b) In all cases where buffer and greenbelt requirements are not applicable, the required yard is the same as the minimum yard setback requirements in [Article 4](#), Schedule of Regulations.

## NEW PROPOSED LANGUAGE

### (D) Greenbelt/Buffer Yard Requirements.

- (1) **Intent.** It is the intent of this section to provide landscaped buffer yards, or greenbelts, for the purpose of buffering negative impacts of, and conflicts between, different land uses.

- (2) **Greenbelt Location Requirements.** All greenbelts will be created in the existing side and/or rear yards of the property where development has been proposed and approved for zoning compliance. When located adjacent to a residential use, park or public multi-use path, the following land uses (per section 54.306) must provide a landscaped buffer on their property:

- (a) *Multiple-Family Residential dwellings with >5 units, Mobile Home Park, Nursing Home and Convalescent Home uses, Extended Care and Assisted Living Facilities.*
- (b) *Industrial Uses (except Light Manufacturing – Low Impact uses).*
- (c) *Lodging, Commercial, and Retail uses (except the following uses Indoor Retail Business, Child/Day Care Center, and Service Establishments).*
- (d) *Public and Quasi-Public Uses and Medical Uses.*
- (e) *Other Uses with the exception of Accessory Buildings or Structures, Accessory Use, Non-Single Family Residential Lots, Minor Food Production uses, Small Wind Energy Systems-Roof Mounted, Solar Energy Systems <20Kw-Accessory Use.*
- (f) Any twenty-four (24) hour non-residential use of property.

### (3) Dimensional Requirements and Screening Options.

- (a) **Width.** The greenbelt must be **at least ten (10) feet in width**, measured from the shared property line, with the following exceptions:
  - (i) **Thirty (30) feet** is required for Industrial Uses (except *Light Manufacturing – Low Impact* uses) adjacent to any of the following uses: residential, mobile home parks, nursing-convalescent-assisted living facilities, lodging, public and quasi-public, medical, child/day care centers, and service establishments. In addition, this requirement will apply as stated above where the Industrial Use is adjacent to the following zoning districts: Central Business District, any Residential zoning districts, Mixed-Use, Downtown Marquette Waterfront (except where Industrial uses are a permitted use), Third Street Corridor, and Civic.
  - (ii) **Fifteen (15) feet** is required for Industrial Uses (except *Light Manufacturing – Low Impact* uses) and Multiple-Family 5+ dwelling units adjacent to all other uses.
- (b) **Existing Vegetation.** The preservation of existing, high-quality trees and vegetation is strongly encouraged and may be considered as a screening option or incorporated into proposed landscape screening to meet the requirements.



- (c) **Buffer screening Options.** Trees, shrubs, berms, opaque walls and fences can be used to create a visual screening buffer, per [Section 54.1003\(D\)\(4\)](#).

**(4) Greenbelt Landscaping Standards.**

- (a) Within the buffer area, at least one (1) tree per 25 linear feet is required. At least forty (40) percent of the trees must be large-maturing evergreen trees and at least forty (40) percent must be large-maturing deciduous trees, except where in consultation with the City Arborist, the Zoning Administrator or Planning Commission approves a variation in tree types and sizes based on site factors that prevent physically large sizes, such as overhead utilities. Alternatively, eight (8) shrubs compatible with [Section 54.1003\(B\)](#) may be substituted for each required tree. Trees and shrubs may be planted at uniform intervals, at random, or in groupings.
- (b) Turf grass, sod, forbs, or other climatically suitable live plant materials shall be planted over the entire greenbelt area, except where non-vegetative features are permitted.
- (c) For proposals that require a 15-ft. or 30-ft. greenbelt ([Section 54.1003\(D\)\(3\)\(a\)](#)), a staggered double row of evergreen trees spaced 15-feet on center, with an opacity of approximately eighty (80) percent within three (3) years of planting, measured at six (6) feet above grade. After three (3) years, if opacity is not achieved then additional evergreen trees and/or shrubs must be planted to achieve 80% opacity at the time of planting.
- (d) Where an I-M or BLP zoning district abuts any Residential district, the Planning Commission may require a screening fence of up to twelve (12) feet in height to be erected on the Industrial or BLP property pursuant to [Section 54.706](#) to obscure the industrial use and storage from the adjacent residential property.
- (e) Where a CBD, GC, or RC district abuts any residential district, a fence at least four (4) feet in height shall be erected within the business district boundary, except where the boundary is a public right-of-way.

**(5) Reduction or Exemption of Greenbelt Requirements**

- (a) **Reduction.**
  - (i) The minimum width of a required buffer may be reduced by up to one-third ( $1/3$ ) with the installation of a six-foot high solid fence or wall along the property line.
  - (ii) If a required greenbelt (perimeter landscape buffer) abuts a public alley, then up to one-half ( $1/2$ ) of the alley width may be credited towards the minimum width requirement.
- (b) **Exemption.** A greenbelt buffer is not required if the existing topography is a steep slope such that a fence or a buffer would not make a difference for the adjacent property.

**(6) Development within Greenbelt**

- (a) The following items shall be permitted within the landscape buffer:
  - (i) Sidewalks, trails, multi-use paths, structural amenities, and playgrounds.
  - (ii) Stormwater management facilities provided that they do not interfere with the performance and maintenance of the greenbelt.
- (b) The required greenbelt shall not contain any development, vehicle storage, dumpsters, outdoor storage, impervious surfaces or site features that do not

meet the standards or requirements of [Section 54.1003\(D\)](#).

(F) **Garbage and Dumpster Screening.** If the garbage and dumpster area is not screened by an intervening building from a perpendicular view from any public street rights-of-way or adjacent residential zoning district, then an enclosure of sufficient height to completely screen the dumpster is required on three (3) sides of the dumpster. An enclosure gate is optional. The height of the enclosure shall be not less than six (6) feet or at least one (1) foot above the height of the dumpster, whichever is greater. Enclosures shall meet the following standards:

- (1) The enclosure must be constructed of brick, decorative concrete, pressure-treated or wolmanized **rot-resistant** wood, cedar, chain link with slats, or vinyl composite material which **that** matches or complements the principal building or structure. **Materials not listed may be proposed and may be considered by the Planning Commission or Zoning Administrator for approval with a Site Plan or Zoning Compliance Permit.**
- (2) Enclosure gates must be constructed of solid metal or steel-reinforced wood, cedar, chain link with slats, or vinyl composite material. If wood other than cedar is used, it must be pressure treated or wolmanized

## Section 54.1004 Standards for Plant Materials

(B) **Recommended Species of Trees, Shrubs, and Perennials.** The plant palette should emphasize native trees, shrubs, and perennials which are hardy to the Upper Peninsula region. Any tree species and cultivar applicable for planting in USDA Cold Hardiness Zone 5a (-15 to -20°F average coldest winter temperature) can be considered for planting, with the exception of the prohibited species listed in [Section 54.1004\(C\)](#). The following is a list of recommended species and required minimum sizes of plant materials. The City of Marquette may permit other species that are not listed below or remove species listed below if they become undesirable.

| Recommended Plant Type and Size                                   | Common Name                                                                                                                                                                                                                                                            |
|-------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Evergreen Trees (8 feet minimum height)                           | Canadian Hemlock, Eastern Red Cedar, <del>European Larch</del> , <del>Scotch Pine</del> , White Pine, Black Hills Spruce, Colorado Green Spruce, Engelmann Spruce, <del>Norway Spruce</del> , <b>Eastern Larch, White Spruce, Balsam Fir</b>                           |
| Deciduous Trees ( <b>1.5</b> <del>3</del> -inch minimum caliper)  | Sugar Maple varieties, Red Maple varieties, <del>Amur Cork Tree</del> , American Yellowwood, Bicolor Oak, Swamp White Oak, <del>Little Leaf Linden</del> , Ohio Buckeye, <b>American Basswood</b>                                                                      |
| Ornamental Trees ( <b>1.5</b> <del>2</del> -inch minimum caliper) | <del>Dolgo Crabapple</del> , <del>Siberian Crabapple</del> , Cockspur Hawthorn, Blackhaw Viburnum, Nannyberry Viburnum, Tulip Tree, <b>American Plum, native Crabapple, native Apple, native Serviceberry, other native fruit trees suitable for a warming climate</b> |



|                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Deciduous Shrubs (3 feet minimum height)</b>                                                                        | Arrowwood Viburnum, <del>Wayfaring Tree</del> , Nannyberry, <del>European Cranberry</del> , American Cranberry, American Cranberry, Redosier Dogwood, <del>Siberian Dogwood</del> , Fragrant Sumac, Staghorn Sumac, Bush Cinquefoil, <del>Tatarian Honeysuckle</del> , Winterberry, American Elder, <u>native Ninebark</u> , <u>Highbush Blueberry</u> , <u>New Jersey Tea</u> , <u>Carolina Allspice</u> , <u>Chokecherry</u> , <u>Northern Bush Honeysuckle</u> , <u>American Fly Honeysuckle</u> , <u>native Thimbleberry</u> , <u>Pussywillow</u> , <u>Black Elderberry</u> , <u>Meadowsweet</u> , <u>native Serviceberry</u> |
| <b>Evergreen Shrubs (18 inches minimum height for low growing species and 30 inches minimum for all other species)</b> | <u>American Arborvitae</u> , Common Juniper, Creeping Juniper, Bush Cinquefoil, Canada Yew, <del>Amur Privet</del> , <del>Mugo Pine</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

**(C) Prohibited Species.** Based on the undesirability of the following species, they are prohibited from being planted as required landscaping. The Planning Commission or Planning Director may prohibit other species that are not listed below:

Ash, Amur Cork, Amur Privet, Aspen, Black Locust, Blue Spruce, Box Elder, Buckthorn, Burning Bush, Cottonwood, Elm, European Cranberry, Ginko (female), Honey Locust (w/ thorns), Honeysuckles (except for American Fly Honeysuckle), Horse Chestnut (nut bearing), Jack Pine, Japanese Barberry, Norway Maple (unless a specific species is accepted), Olive, Phragmites, Poplar, Purple Loosestrife, Rose-multiflora, Scotch/Scots Pine, Silver Maple, Tatarian Honeysuckle, Tree of Heaven, Wayfaring Tree, Willow, and any other species declared to be a noxious species by a City ordinance or official qualified to deem a species as noxious.

| <b>Prohibited Species</b>                              |
|--------------------------------------------------------|
| Ash                                                    |
| Aspen                                                  |
| Black Locust                                           |
| Blue Spruce                                            |
| Box Elder                                              |
| Buckthorn                                              |
| Cottonwood                                             |
| Elm                                                    |
| Ginkgo (Female)                                        |
| Honey Locust (with thorns)                             |
| Honeysuckle                                            |
| Horse Chestnut (nut bearing)                           |
| Jack Pine                                              |
| Multiflora Rose                                        |
| Norway Maple (unless a specific species is acceptable) |
| Olive                                                  |
| Phragmites                                             |
| Poplar                                                 |
| Purple Loosestrife                                     |

|                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------|
| Silver Maple                                                                                                                |
| Tree of Heaven                                                                                                              |
| Willow                                                                                                                      |
| Any species of plant deemed to be a noxious species by a City Code or City Official qualified to deem a species as noxious. |

## SECTION 10. Article 11 – Signs

Chapter 54 – LAND DEVELOPMENT CODE, Article 11 – Signs is hereby amended as follows:

### Article 11 Signs

#### Section 54.1103 Definitions

Delete “(B) Sign Definitions, Sign Types.” and “(C) Sign Definitions, General” and combine them into “(B) Sign Definitions”.

#### **(B) Sign Definitions.**

- (1) Abandoned Sign:** A sign that no longer identifies or advertises an ongoing business, product, location, service, or activity conducted. Whether a sign has been abandoned shall be determined by the intent of the owner of the sign and shall be governed by applicable Case Law and Statutory Law on abandoned structures.
- (2) Air-Activated Sign:** A type of Temporary Sign that is an air inflated object, is made of a flexible fabric, which may be of various shapes, rests on the ground or structure and is equipped with a portable blower motor that provides constant air flow into the device. Air-activated signs are restrained, attached, or held in place by a cord, rope, cable, or similar method.
- (3) Alteration, Sign:** A sign alteration is any change in copy, color, size, or shape, which changes appearance of a sign, or a change in position, location, construction, or supporting structure of a sign, except that a non-structural copy change on a sign is not an alteration.
- (4) Animated Sign:** A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this Ordinance, include the following types:
  - (a) Animated Sign, Electrically Activated:** Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

(i) **Flashing:** Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this Ordinance, flashing will not be defined as occurring if one cyclical period of on- off phases of illumination exceeds four (4) seconds.

(ii) **Patterned Illusionary Movement:** Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

(b) **Animated Sign, Environmentally Activated:** Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Environmentally Activated Animated Signs includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

(c) **Animated Sign, Mechanically Activated:** Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

(5) **Architectural Projection:** Any projection from a building that is decorative and/or functional and not intended for occupancy and that extends beyond the face of an exterior wall of a building but that does not include signs as defined herein. See also: "Awning;" "Back-lit Awning;" and "Canopy, Attached;" and "Canopy, Freestanding."

(6) **Awning:** An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

**(7) Awning Sign:** A Projecting Sign displayed on or attached flat against the surface or surfaces of an awning. See also: "Projecting Sign." Only the sign or copy area displayed on an awning shall be used to determine the permitted sign area-the entire awning shall not be included in a Sign Area calculation.



Awning Sign



Awning Sign

**(8) Balloon Sign:** A Temporary Sign that is an air inflated object, which, unlike air-activated signs, retains its shape. A balloon sign is made of flexible fabric, rests on the ground or structure, and may be equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached, or held in place by a cord, rope, cable, or similar method.

**(9) Banner:** A flexible substrate on which copy or graphics may be displayed.

**(10) Banner Sign:** A sign utilizing a banner as its display surface.

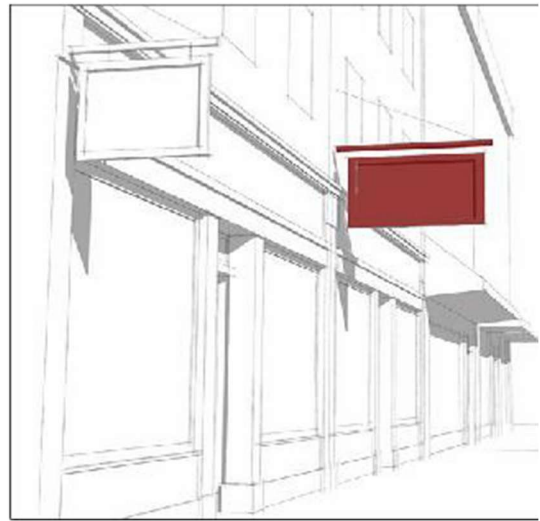
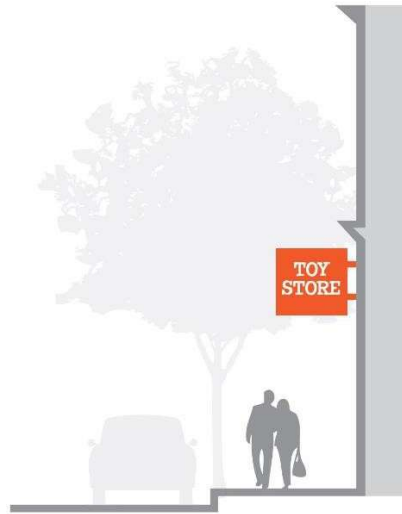


Banner Sign

**(11) Bench Sign:** A sign applied to or affixed to the seat or back of a bench.

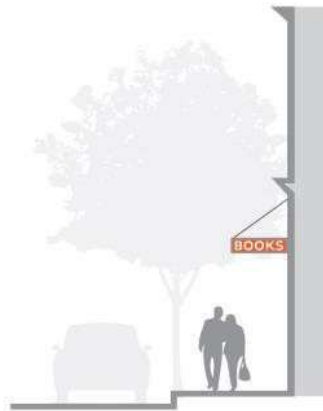
**(12) Billboard:** See Sign, Outdoor Advertising.

- (13) **Blade Sign:** A Projecting Sign, which is suspended from an overhang, canopy, marquee, or awning, or is suspended from a mounting attached directly to the building wall, and hangs perpendicular to the building wall.

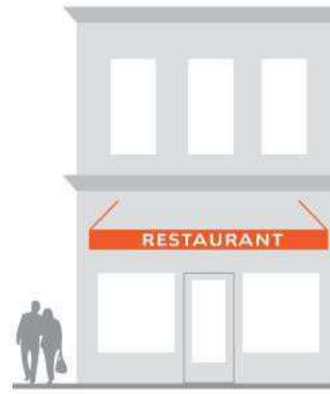


- (14) **Building Entrance:** A building entrance that is clearly available as a public entrance, with the exception of businesses that for reasons related to privacy do not clearly indicate a public entrance.
- (15) **Building Frontage:** The length of an exterior building wall or structure, of a single premise, along either a public street or path; parking lot or other property that it faces. The Building Frontage is measured by the linear distance of the building façade.
- (16) **Candela:** The basic unit of measurement of light in SI (metric) units.
- (17) **Candela per square meter (cd/m<sup>2</sup>):** The SI (metric) unit used to describe the luminance of a light source or of an illuminated surface that reflects light. Also referred to as “Nits.”
- (18) **Candle or Candlepower:** Synonymous with Candela, but in Imperial (non-metric) terms, not SI (metric) terms.
- (19) **Canopy (Attached):** A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. Also called a “Marquee.”
- (20) **Canopy (Freestanding):** A multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

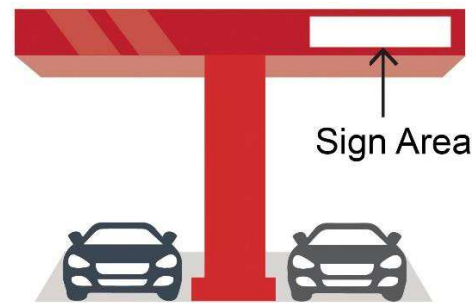
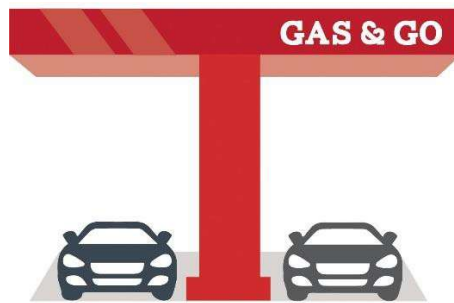
**(21) Canopy Sign:** A permanent Projecting Sign affixed to the side or bottom surface(s) of an attached or freestanding canopy. Such signs may be internally illuminated pursuant to the requirements of this Article.



Canopy Sign



Canopy Sign



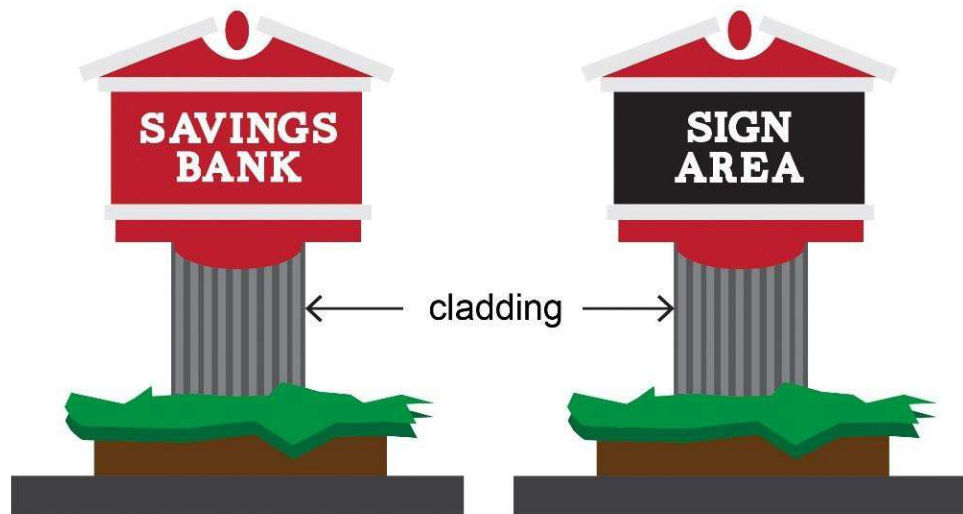
Canopy Sign

**(22) Changeable Sign:** A sign with the capability of content change by means of manual or remote input, includes the following types:

**(a) Changeable Sign, Electrically Activated:** Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also: "Electronic Message Center" and "Animated Sign."

**(b) Changeable Sign, Manually Activated:** Changeable sign whose message copy or content can be changed manually on a display surface.

**(23) Cladding:** A non-structural covering designed to conceal the actual structural supports of a freestanding sign. Cladding shall not be considered sign area.



**Free standing sign with cladding**

- (24) **Copy:** The graphic content or message of a sign.
- (25) **Directional Sign.** A non-commercial sign that is designed and erected to safely direct the flow of vehicular, pedestrian, and boat traffic, including emergency response vehicles and personnel. Inclusion of a business name or logo on a directional sign is not commercial advertising as that is needed to help identify and direct vehicles and pedestrians to a location.
- (26) **Electric Sign:** Any sign activated or illuminated by means of electrical energy.
- (27) **Electronic Message Center (EMC) Sign:** An electrically activated changeable sign whose variable message and/or graphic presentation capability is electronically programmable. Also known as a digital sign. EMCs typically use light emitting diodes (LEDs) as a lighting source, and liquid-crystal display (LCDs) for light modulation. See also following terms principally associated with Electronic Message Centers:
- (a) **Display Time:** The amount of time a message and/or graphic is displayed on an Electronic Message Sign.
  - (b) **Dissolve:** A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.
  - (c) **Dynamic Frame Effect:** An Electronic Message Sign frame effect in which the illusion of motion and/or animation is used.

(d) **Scroll:** A mode of message transition on an Electronic Message Sign in which the message appears to move vertically across the display surface.

(e) **Transition:** A visual effect used on an Electronic Message Sign to change from one message to another.

(28) **Face:** The portion of a sign upon, against, or through which the message is displayed or illustrated.

(29) **Festoons:** A string of ribbons, pennants, spinners, streamers, tinsel, small flags, pinwheels, or lights, typically strung overhead and/or in loops.

(30) **Flag:** A flexible piece of fabric or other material that is attached to a permanent conforming flagpole or attached flat to wall.

(31) **Flashing Sign:** See “Animated Sign, Electrically Activated.”

(32) **Flexible Sign:** A sign made of fabric, thin plastic, or other flexible material, and is two-dimensional in nature.

(33) **Freestanding Sign:** A sign principally supported by one or more bases, monuments, columns, poles, or braces placed in or attached to the ground (e.g. cemented in a post-hole or screwed to cement). May also be referenced as a “Monument Sign” or “Pole Sign.”

(a) **Ground Sign:** A sign supported by one or more uprights or braces in or upon the ground that does not exceed eight (8) feet in height.





- (b) **Monument Sign:** A base-mounted freestanding sign supported by one or more uprights or a base and not attached to any building or other structure. A Monument Sign must have a supporting base equal to or greater than the width of the sign face constructed of a decorative and durable material (e.g., masonry), and shall not have separations between the sign face and the base.



Monument Sign

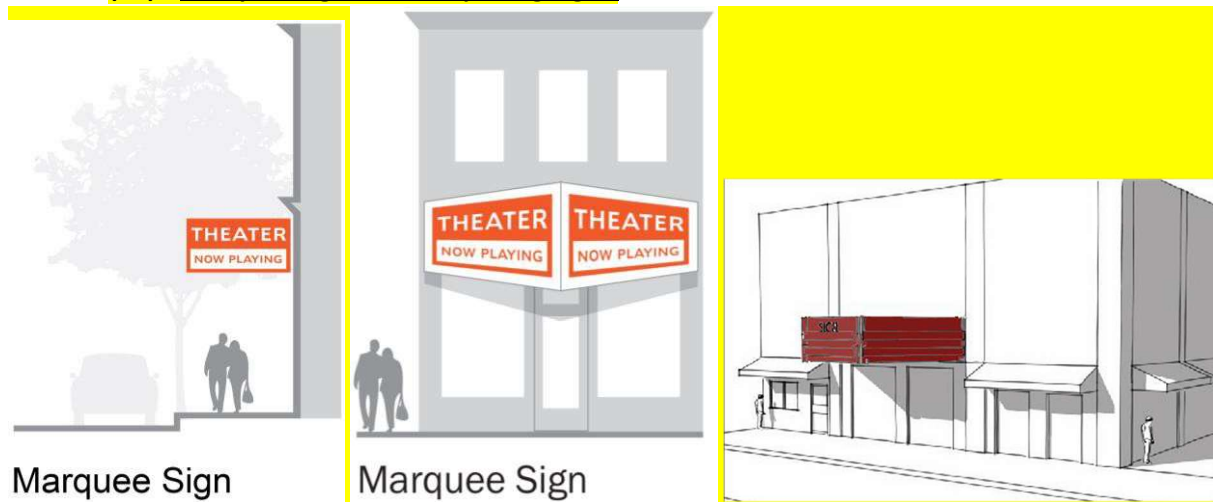
- (c) **Pole Sign:** A sign supported by one or more uprights or braces in or upon the ground.
- (34) **Historic Sign:** A sign that is attached to a building listed on the State and/or National Register of Historic Places, or that is recognized by local historians and the Planning Director as having significant value as an element of the City's heritage or development, which was attached to the building at the time of said listing; or a sign that is at least 50 years old, not significantly altered from its historic appearance, and demonstrates historic value to the community.
- (35) **Illuminance:** The amount of light falling upon a real or imaginary surface, commonly called "light level" or "illumination". Measured in foot candles (lumens/square foot) in the English system, and lux (lumens/square meter) in the SI (metric) system.
- (36) **Illuminated Sign:** A sign characterized by the use of artificial light, either projecting through its surface(s) [Internally or trans-illuminated]; or reflecting off its surface(s) [Externally illuminated].
- (37) **Incidental Sign:** A small sign, usually 2 square feet or less, designed and located to be read only by people within the site and generally not legible from the right-of-way or adjacent properties. Examples of incidental signs include, but are not limited to, credit card signs, signs indicating hours of business, no smoking signs, signs used to designate bathrooms, handicapped signs, traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices, and other signs providing information to be read at close proximity. The Sign Official shall determine whether a sign is an Incidental Sign, based on the visibility of the sign from the lot line and right-of-way and/or the number of signs in close proximity of each other, and the Sign Official may deny a Incidental Sign if it is a sign that is regulated by another standard in this Article.
- (38) **Interior Sign:** Any sign placed within a building, or placed on the site such that it is not visible from the right-of-way, but not including window signs as defined by this Article.

**(39) Luminance:** The light that is emitted by or reflected from a surface. Measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in Imperial measurement units.) Expressed in SI units as  $\text{cd/m}^2$ , and in Imperial (non-metric) units as foot lamberts. Sometimes also expressed as “nits”, a colloquial reference to SI units. Can be measured by means of a luminance meter.

**(40) Mansard Roof:** A roof, or structure on a building imitating a roof, which is at an angle of 60 degrees or greater from the horizontal.

**(41) Marquee:** See Canopy, Attached.

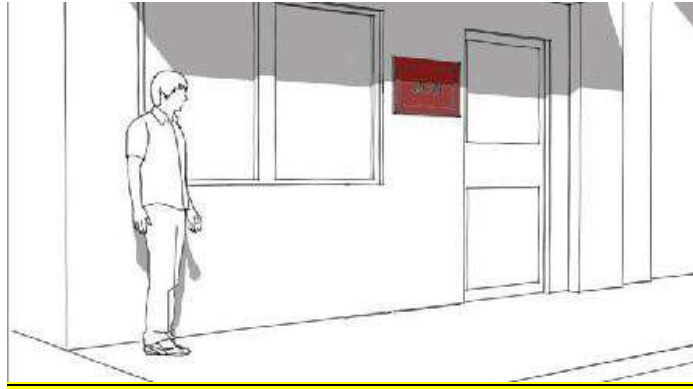
**(42) Marquee Sign:** See “Projecting Sign.”



**(43) Multiple-Faced Sign:** A sign containing three (3) or more faces.

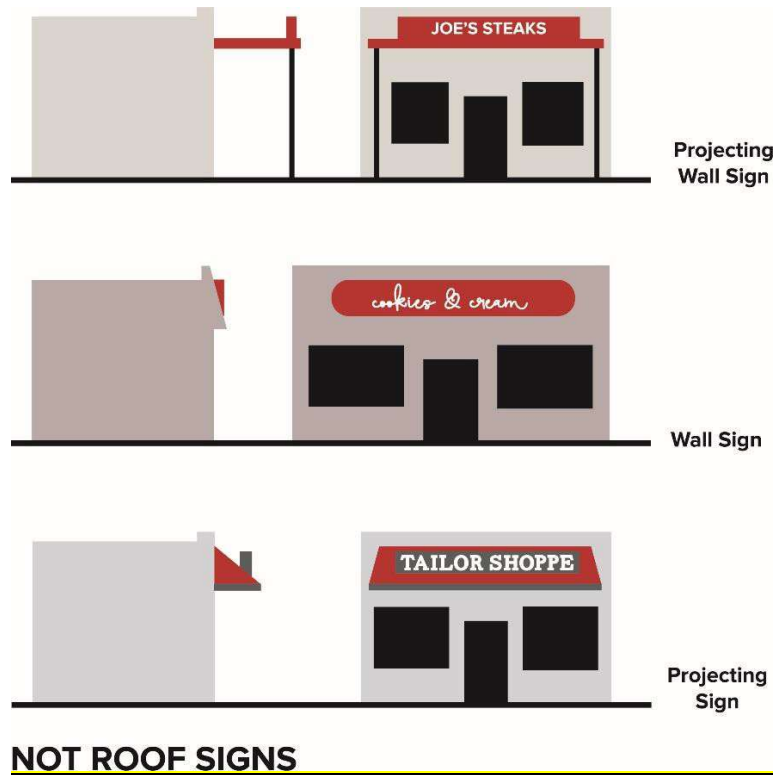
**(44) Mural:** An original artistic painting or texturing applied or attached to the surface of a wall or window. If the mural depicts on-premise commercial content or off-premise commercial content, the portion of the mural containing the commercial content will be considered a sign for purposes of this Ordinance, and will be regulated as such by subsection [54.1103\(B\)\(67\)](#). Commercial content included logos, images, brand names, and other lettering that references a commercial product or business, excluding images of nonspecific abstract commercial content.).

**(45) Nameplate Sign:** A small, flat sign attached to the building façade on which the name of a person, company, building, etc. is printed or engraved.

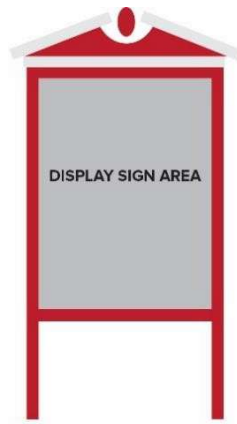


- (46) **Nit:** A photometric unit of measurement referring to luminance. One nit is equal to one  $\text{cd}/\text{m}^2$ . See “Candela per square meter ( $\text{cd}/\text{m}^2$ ).”
- (47) **Non-Commercial Sign:** A sign consisting of only non-commercial content.
- (48) **Off-Premise Commercial Sign:** A sign that contains a message related to a business or profession conducted or to a commodity, service, or activity sold or offered for sale off the premises of where the sign is located.
- (49) **On-Premise Commercial Sign:** A sign that contains a message related to a business or profession conducted or to a commodity, service, or activity sold or offered for sale upon the premises where the sign is located. Examples of on-premise commercial signs include, but are by no means limited to, real estate signs, garage sale and yard sale signs, signs advertising a permitted on-site commercial use, and signs of a contractor or other commercial entity affiliated with an on-site project under development.
- (50) **Outdoor Advertising Sign:** A permanent sign erected, maintained or used in the outdoor environment for the purpose of display of commercial or non-commercial messages not typically appurtenant to the use of, products sold on, or the sale of lease of, the property on which it is displayed. May also be referenced as an “Off-Premise Sign” or “Billboard.”
- (51) **Pennant:** A flexible piece of fabric or other material designed to attract attention or convey information. See definition of “Festoon.”
- (52) **People Sign:** A portable sign held by a person and displayed for the purposes of expressing a message.
- (53) **Permanent Sign:** A sign of durable construction and durable materials designed to remain in one location and position either through attachment to a building element or mounting on a standard secured to a below grade footing, or designed into building materials such as stonework.

- (54) **Plaque, Commemorative:** An inscribed tablet of brass or other non-corrosive metal or stone, identifying a place of historical or cultural significance.
- (55) **Portable Message Sign:** A sign attached to or pulled by a vehicle that includes a manual and/or electronic changeable copy sign, an electronic graphic display sign, a video display sign, or multi-vision/tri-vision sign that may be displayed or affixed to a movable object such as but not limited to a car, truck, trailer, or similar transportation device. A "Portable Message Sign" shall not include a "Vehicle Sign."
- (56) **Portable Sign:** Any sign not permanently attached to the ground and can be removed without the use of tools.
- (57) **Premises:** A "lot" in the same ownership or control which is not divided by a street.
- (58) **Projector-Image Sign:** A sign that is displayed through light by a projector.
- (59) **Projecting Sign:** A sign which is attached directly to the building wall, and which extends more than fifteen (15) inches from the face of the wall. A "Projecting Sign" is differentiated from a "Wall Sign" based on the distance the sign projects from the surface of the building. See also: "Awning Sign," "Blade Sign," "Canopy Sign," and "Marquee Sign."
- (60) **Revolving Sign:** An animated sign that revolves around an external axis driven by wind, or electromechanical devices.
- (61) **Roof Sign:** A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard façades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs.



- (62) **Rotating Sign:** An animated sign that rotates around an internal axis driven by wind, or electromechanical devices.
- (63) **Shopping Center:** A shopping center shall mean a unified commercial development occupied by a group of five (5) or more separate retail businesses occupying substantially separate divisions of a building or buildings fronting on a privately owned common mall or parking lot rather than a public street.
- (64) **SI (International System of Units):** The modern metric system of measurement; abbreviated SI for the French term "Le Systeme International d'Unites."
- (65) **Sidewalk Sign:** A portable Temporary Sign or sign board that is freestanding and not permanently anchored or secured to either a building, structure, or the ground. Often referred to as "sandwich board signs," sidewalk signs include, but are not limited to, so called "A" frame, "T" shaped, or inverted "T" shaped stands, or with swinging type construction. See also "Yard Sign."



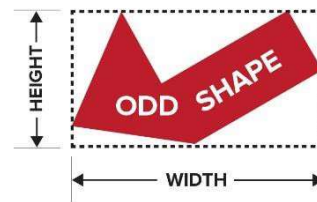
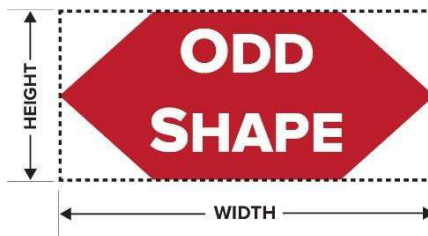
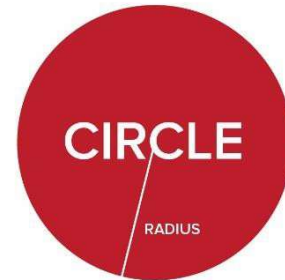
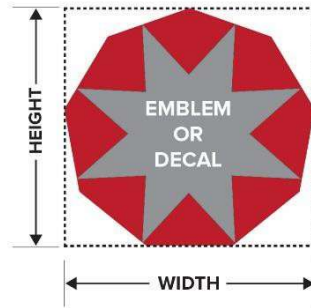
**SIDE WALK SIGN**



**(66) Sign:** A name, identification, image, description, display, message, or illustration which is affixed to, painted, or otherwise located, set upon, in, or on, a building, structure, or piece of land and which directs attention to an institution, organization, object, product, place, activity, person, idea, message, or business and which is visible from any street, right-of- way, sidewalk, alley, park, other public property, or any adjacent property. Customary displays of merchandise or objects and material placed behind a store window are not signs or parts of signs.

**(67) Sign Area:**

**(a) Area of Shape(s).** The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or use to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed.



## COMPUTATION OF SIGN AREA

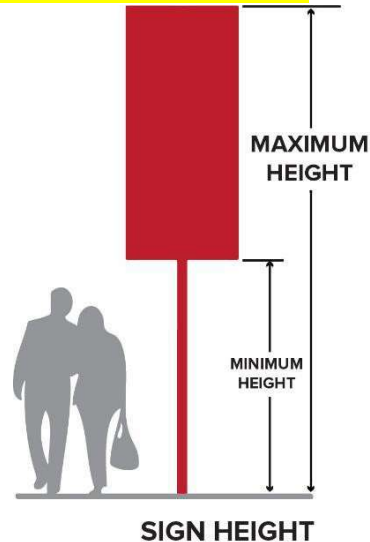
- (b) Area of Two (2) or More Sign Faces.** Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal size, or as the area of the larger face if the two (2) faces are of unequal size. The spacing between the parallel faces of a monument or pole sign may be increased to three (3) feet where there are only two (2) supports. In no case shall a support have a greater cross sectional width than 36 inches
- (c) Area of Wall Sign or Window Sign with No Border, Panel, or Background.** Where a sign consists solely of lettering, graphics, images, or other sign elements printed or mounted on a wall or window of a building without any distinguishing border, panel or background, any blank rectangular area which is more than ten percent (10%) of the area of the sign as otherwise computed shall be disregarded. All of the lettering, graphics, images, and other sign elements printed or mounted upon a wall or window of a building without any distinguishing border, panel, or background and pertaining to the same enterprise shall be treated as a single sign for purposes of area computation.

**(68) Sign Erector or Sign Installer.** Any person engaged in the business of erecting, altering or removing signs on a contractual or hourly basis.

**(69) Sign Height:**

**(a) Sign Height, Maximum Height:** The maximum height of the sign shall be measured from the grade to the top of the sign. The minimum height, if applicable, shall be measured from the sign grade to the bottom of the sign.

**(b) Sign Height, Minimum Height:** The minimum height of a sign (also known as vertical clearance), if required, shall be measured from the sign grade to the lowest point of the sign, including any framework or other embellishments.



**(70) Streamer:** See "Pennant."

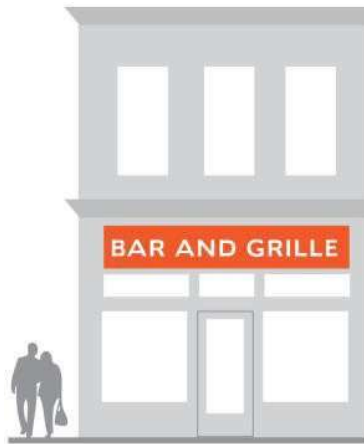
**(71) Support Pole Sign:** A Temporary Sign that is attached as an appendage to a sign, sign support, light pole, utility pole, or any part of a pole or support.

**(72) Temporary Sign:** A sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

**(73) Vehicle Sign:** A sign painted or otherwise attached to a vehicle, including signs on a truck trailer. A "Vehicle Sign" shall not include a "Portable Message Sign."



- (74) Wall Sign:** A sign which is painted on or attached directly to a building wall with the face of the sign parallel to and extending not more than fifteen (15) inches from the face of the wall.



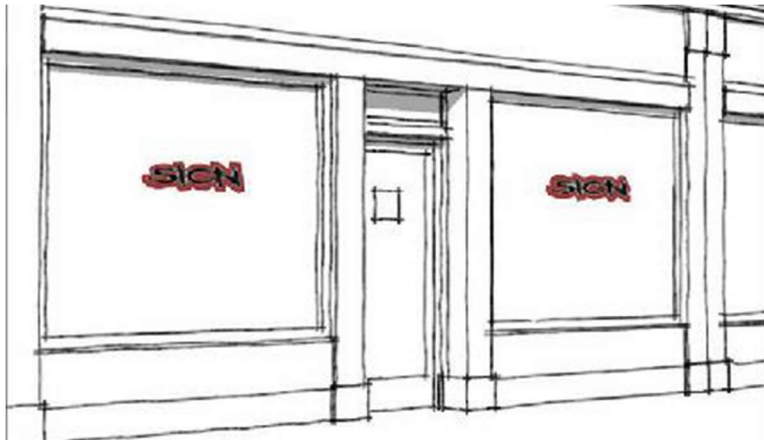
Wall Sign

- (75) Wayfinding Sign:** A sign, frequently off-premise, specifically designed to provide directional or destination information. Wayfinding signs are created and maintained by a public agency and are typically located in a public right-of-way.

- (76) Window Sign:** A sign affixed to, or located behind the surface of a window, with its message intended to be visible to the exterior environment. A sign affixed to a faux window is a wall sign and subject to the regulations thereof.



Window Sign



- (77) Yard Sign.** A portable Temporary Sign or sign board that is freestanding and temporarily anchored or secured to the ground. See also "Sandwich Board Sign."

## Section 54.1107 Exempt Signs Permitted in All Zoning Districts

Certificates of Zoning Compliance shall not be required for the following signs provided that said signs meet all other requirements of this Ordinance, including but not limited to those in [Section 54.1109](#). Approval of the

property owner is required prior to the erection of a sign. It is the responsibility of the party erecting the sign to determine if a building permit is required.

(D) Special decorative displays used for holidays, public demonstrations or promotion of civic welfare or charitable purposes, on which there is no commercial advertising, providing the jurisdiction is held harmless for any damage resulting therefrom.

(1) Special decorative displays may include temporary signs, banners, or balloons.

(2) Length of use shall not extend more than 90 120 days in a calendar year

(K) Any number of noncommercial flags may be located on any site. Only one (1) commercial flag or pennant may be displayed per lot, and it shall not exceed 45 sq. ft. in area, unless the lot frontage is greater than 100 feet, in which case one such flag or pennant may be displayed for each 100 feet of frontage. Support structures shall meet the requirements of either a freestanding flagpole or a wall-mounted flagpole.

## **SECTION 11. Article 12 – Nonconformities**

### **Article 12 Nonconformities**

#### **Section 54.1202 Nonconforming Uses and Structures**

If a structure or the use of a structure or of the land is lawful at the time of enactment of this Ordinance or an amendment to this Ordinances, then that structure or use may be continued although the structure or use does not conform to the Ordinance or amendment. The following sub-sections contain provisions for: classifications of different nonconforming uses and structures; repairs; maintenance; discontinuance; substitutions; expansions; and reconstruction of nonconforming structures and uses:

(A) **Classifications of Nonconforming Uses and Structures.** Pursuant to Section 208 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), the City of Marquette establishes different classifications of nonconforming uses and structures as defined and provided for in this article. Class A Nonconforming Uses and Structures are regulated in [Section 54.1202\(B\)](#), and Class B Nonconforming Uses and Structures are regulated in [Section 54.1202\(C\)](#):

(B) **Regulations Pertaining to Class A Nonconforming Use or Structure Designation.**

(1) **Class A Nonconforming Uses and Structures.** Class A Nonconforming Uses or Structures are:

(a) **One- and Two-Family Uses and Structures.** One- and two-family uses and structures that are nonconforming may be maintained, repaired, altered, or added to as long as they remain otherwise conforming or reduce the extent of the non-conforming portion of the structure. Additions or alterations to the exterior of the structure shall conform to all requirements of this Ordinance.

(i) **Exception:** Two single-family structures (this does not include approved Accessory Dwelling Units) on one lot/parcel are considered Class B Nonconforming and would need to get approval from the BZA to be classified as Class A Nonconforming.

**(ii) Reconstruction of Class A Nonconforming one- and two-family structures that did not get Class A approval from the Board of Zoning Appeals:**  
Upon application for reconstruction the proposal must show the structure will meet the side yard setbacks for the zoning district in order to be approved. In addition, if the structure encroaches over a property line, it cannot be rebuilt with the encroachment.

**(b) Nonconforming Uses or Structures Designated by the Board of Zoning Appeals as Class A Nonconforming Uses or Structures.** To qualify as a Class A Nonconforming Use or Structure, the Board of Zoning Appeals must make affirmative findings on all of the following:

- ~~(i) Continuance thereof would not be contrary to the public health, the safety, or welfare, or to the spirit of this Ordinance.~~
- ~~(ii) The use of structure does not and is not likely to significantly depress the value of nearby properties.~~
- ~~(iii) The use or structures was lawful at the time of its inception.~~
- ~~(iv) No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structures does not conform. All nonconforming uses and structures not designated as Class A are Class B nonconforming uses or structures. Class A or Class B designations do not apply to nonconforming lots ([Section 54.1203](#)).~~

- (i) To qualify as a Class A Nonconforming Use or Structure, the Board of Zoning Appeals must make affirmative findings on all of the following:**
  - a. Continuance thereof would not be contrary to the public health, the safety, or welfare, or to the spirit of this Ordinance.**
  - b. The use of structure does not and is not likely to significantly depress the value of nearby properties.**
  - c. The use or structures was lawful at the time of its inception.**
  - d. No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structures does not conform. All nonconforming uses and structures not designated as Class A are Class B nonconforming uses or structures. Class A or Class B designations do not apply to nonconforming lots ([Section 54.1203](#)).**
- (ii) If a structure is damaged after the Board of Zoning Appeals designates a structure as Class A Nonconforming, it can only be rebuilt exactly as approved using the submitted survey, application, and attachments to the case file. Additionally, any conditions set by the Board must be followed during reconstruction.**

**(2) Procedure for Obtaining Class A Designation and Expansion of Class A Designation Conditions.** A written application shall be filed setting forth the name and address of the applicant, stating the nonconformity's applicability to [Section 54.1202\(B\)\(1\)](#), giving a legal description of the property to which the application pertains, and including such other information as may be necessary to enable the Board of Zoning Appeals to make a determination of the matter. The notice and hearing procedure before the Board of Zoning Appeals shall be the same as in [Section 54.1406](#). The decision shall be in writing and shall set forth the findings and reasons on which it is based. Conditions shall be attached,

including any time limit, where necessary to assure that the use or structure does not become contrary to the public health, safety, or welfare of the spirit and purpose of this Ordinance. No vested interest shall arise out of a Class A designation except as permitted by this article.

(3) **Revocation of Class A Designation or Expansion of Class A Designation.** Any Class A designation shall be revoked, following the same procedure required for designation, upon a finding that as a result of any change of conditions or circumstances the use or structure no longer qualifies for Class A designation.

(4) **Regulations Pertaining to Class A Nonconforming Uses and Structures.** No Class A nonconforming use shall be resumed if it has been discontinued for a continuous period of at least 18 months or if it has been changed to a conforming use for any period of time. No Class A structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.

(5) **Expansion of a Class A Nonconforming Use and Structure.** No Class A use or structure shall be expanded unless approval from the Board of Zoning Appeals is first granted.

(a) To qualify for an Expansion of a Class A Nonconforming Use or Structure, the Board of Zoning Appeals must make affirmative findings on all of the following:

(i) Continuance and expansion thereof would not be contrary to the public health, the safety, or welfare, or to the spirit of this Ordinance.

(ii) The expansion of the use and/or structure does not and is not likely to significantly depress the value of nearby properties.

(iii) The use or structures was lawful at the time of its inception.

(iv) No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structures does not conform.

(b) **Approval Period.** If the petitioner has not obtained a Zoning Permit, and a Building Permit and commenced construction to implement an Expansion of a Class A Nonconforming Use or Structure within one (1) year of the date of its approval by the Board of Zoning Appeals, said Expansion of a Class A Nonconforming Use or Structure shall expire. The Board of Zoning Appeals, upon application made before expiration, may grant an extension of not more than one (1) year from the expiration date. The Board Zoning Appeals, at its discretion, may schedule a public hearing in accordance with [Section 54.1406](#) prior to granting an extension. Not more than two (2) such extensions may be granted.

(C) **Regulations Pertaining to Class B Nonconforming Use or Structure Designation.**

(1) **Class B Nonconforming Uses and Structures.** A Class B nonconforming use or structure is any nonconforming use or structure that is not a one- or two-family nonconforming use or structure (see [Section 54.1202\(B\)\(1\)\(a\)](#)) or has not been classified as a Class A nonconforming use or structure by the Board of Zoning Appeals pursuant to [Section 54.1202\(B\)](#).

(2) **Prohibited Continuance of Illegally Established Class B Nonconforming Uses and Structures.** No Class B nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

- (3) **Purpose for Class B Nonconforming Uses and Structures.** It is a purpose of this Ordinance to eliminate Class B nonconforming uses and structures as rapidly as is permitted by law without payment of compensation.
- (4) **Discontinuance of a Class B Nonconforming Use.** No Class B nonconforming use shall be resumed if it has been discontinued for a continuous period of six (6) months or if it has been changed to conforming use for any period of time. If the structure in which the use is housed or conducted is damaged by casualty or neglect to the point where the structure must be removed or reconstructed, the standards of [Section 54.1202\(C\)\(7\)](#) apply. If the Class B nonconforming use was legally in existence up until the time the structure in which the use is housed required removal or reconstruction, the owner shall have up to 24 months to re-establish the nonconforming use, provide such re-establishment shall not increase the nonconformity of the use, structure, or building.
- (5) **Prohibited Substitutions and Expansions of Class B Nonconforming Uses.** No Class B nonconforming use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than used at the time of becoming nonconforming.
- (6) **Maintenance and Repair of Class B Nonconforming Structures.** For the purpose of maintaining health and safety, Class B nonconforming structures and buildings may be repaired and maintained. Such repair and maintenance shall not increase the nonconformity of the structure, building, or uses therein, nor shall such repair and maintenance total more the market value of the structure excluding land and other structures on the site as determined by the City Assessor using the current tax roll and field sheets. The Zoning Administrator may substitute the market value of the structure based on calculation procedures of [Section 54.1202\(C\)\(8\)](#). In the event that a nonconforming structure has become destroyed or damaged to the point where the structure must be removed or reconstructed, the standards of [Section 54.1202\(C\)\(7\)](#) apply.
- (7) **Reconstruction Class B Nonconforming Structures.** ~~No Class B nonconforming structure shall be enlarged or structurally altered, nor shall it be reconstructed, if damaged by casualty or neglect to the extent that the cost of reconstruction or similar repair exceeds the market value of the structure excluding land and other structures on the site as determined by the City Assessor using the current tax roll and field sheets. The Zoning Administrator may substitute the market value of the structure based on calculation procedures of See [Section 54.1202\(C\)\(8\)](#). In the event that a nonconforming structure has become destroyed or damaged to the point where the structure must be removed or reconstructed, the owner shall have up to 24 months to rebuild the nonconforming structure, provided such reconstruction shall not increase the nonconformity of the structure, building, or uses therein. However, the owner may construct a conforming addition to a nonconforming structure, provided the addition meets all of the requirements of this Ordinance.~~
- (a) Reconstruction Due to Casualty or Neglect.** No Class B nonconforming structure shall be enlarged or structurally altered, nor shall it be reconstructed, if damaged by casualty or neglect to the extent that the cost of reconstruction or similar repair exceeds the market value of the structure excluding land and other structures on the site as determined by the City Assessor using the current tax roll and field sheets. The Zoning Administrator may substitute the market value of the structure based on calculation procedures of See [Section 54.1202\(C\)\(8\)](#). In the event that a nonconforming structure has become

destroyed or damaged to the point where the structure must be removed or reconstructed, the owner shall have up to 18 months to rebuild the nonconforming structure, provided such reconstruction shall not increase the nonconformity of the structure, building, or uses therein. However, the owner may construct a conforming addition to a nonconforming structure, provided the addition meets all of the requirements of this Ordinance.

**(b) Structures Not Meeting Side Yard Setbacks.** If the structure currently does not meet the side yard setback requirements for the zoning district, it must meet the side yard setback requirements if rebuilt. In addition, if the structure encroaches over a property line, it cannot be rebuilt or enlarged with the encroachment.

**(8) Calculation of Repairs and/or Reconstruction of Class B Nonconforming Structures.** For the purpose of calculating a fair and equitable cost of repairs and reconstruction regulated by this section, the average of two (2) bid estimates from licensed contractors shall be used. All work requiring permits under state and local regulations, and materials necessary to bring the structure up to current code shall be included. Clean up costs, demolition, furnishings and appliances shall not be included. The actual repair and reconstruction may be done by the homeowner or contractor of his choice. If the Zoning Administrator questions the accuracy of the bid estimates, or proposed work or materials, he/she may consult with the Building Code Department and City Assessor, and/or refer the matter to the Board of Zoning Appeals. There shall be no cap on the value of a conforming addition to a nonconforming structure, provided the addition meets all of the requirements of this Ordinance.

**(9) Permitted Continuance of Class B Nonconforming Mineral Removal Operations.** In the case of mineral removal operations, existing holes or shafts may be worked and enlarged on the land which constituted the site on which operations were conducted at the time of becoming nonconforming, but no new holes or shafts shall be established.

## **SECTION 12. Article 14 – Administrative Procedures**

**Chapter 54 – LAND DEVELOPMENT CODE, Article 14 – Administrative Procedures is hereby amended as follows:**

### **Article 14 Administrative Procedures**

#### **Section 54.1401 Zoning Permits and Zoning Compliance Review**

**(A) Submission of Zoning Compliance Application Required.** No person shall commence to erect, alter, or repair any structure or to replace or enlarge any of the uses listed in [Section 54.1401\(B\)](#), without first obtaining Zoning Compliance and approval of plans. No use shall be carried on, nor construction undertaken, except as shown upon an approved Zoning Compliance application and plan. Plans shall be submitted to the Zoning Administrator or designated official.

**(B) Permitted Uses and Development Subject to Zoning Compliance Review.** The following uses and development are subject to Zoning Compliance Review:

**(1)** Residential dwellings (one-family, two family, multi-family) and associated accessory structures, including additions and structural alterations, and structural alterations to any

other building or structure.

Structural alterations include, but are not limited to, replacement of structural members of decks, porches, or steps, alterations to the means of ingress and egress, and other changes regulated by this Ordinance, provided such alterations are not subject to Site Plan Review pursuant to [Section 54.1402\(B\)](#). The Zoning Administrator reserves the right to require a Zoning Compliance Review for the replacement of a non-structural member of a deck, porch, or other structure if deemed necessary by the Zoning Administrator to determine compliance with this Ordinance.

- (2) Interior remodeling of a non-residential use, provided such remodeling is not subject to Site Plan Review pursuant to [Section 54.1402\(B\)](#).
- (3) Re-paving of an off-street parking lot, provided there are no grading changes and no changes to the configuration of the parking lot layout.
- (4) The establishment of a permitted use in the district, provided that the use must meet all requirements of this Ordinance including any special requirements listed for that zoning district. Any development requiring Site Plan Review must be reviewed in accordance with [Section 54.1402\(B\)](#) and special land uses must be reviewed in accordance with [Section 54.1403](#).

**(C) Required Information for Zoning Compliance Review.** The required form of, and information on, plans shall include:

- (1) Name and address of the applicant and plan preparation date.
- (2) Dimensioned property lines of the area included in the plan and a north arrow.
- (3) The scaled shape, size, use, location, height, eave size, floor area, parking spaces, driveways, sidewalks, exterior architectural design of all structures, the floor area and ground coverage ratios of residential structures if applicable.
- (4) The elevation of the finished floor and the elevation at the curb for driveways when the proposed construction is new or when this information is otherwise deemed necessary by the Zoning Administrator to determine the runoff flow of storm water.
- (5) All proposed and existing structures and their relationship to each other and adjacent property lines, including setbacks.
- (6) For non-residential interior remodeling, two (2) copies of plans sized 24 inches by 36 inches shall be drawn to a scale acceptable to the Zoning Administrator and shall be sealed by a professional engineer or architect. One digital copy of the plan set must also be submitted.
- (7) Any other information deemed necessary by the Zoning Administrator to establish compliance with this and other ordinances.
- (8) If no exterior dimensional changes will result from the proposed construction or alteration, the Zoning Administrator may permit the plan to consist of the minimum applicable information listed above to determine compliance with the Zoning Ordinance and



applicable codes.

- (D) Zoning Compliance Review Procedure.** Upon receipt of any Zoning Compliance application and plan, the Zoning Administrator or designated official shall review to determine whether it is in proper form, contains all of the required information and shows compliance with the ordinance. The Zoning Administrator or designated review official shall, within ~~ten (10)~~ **fifteen (15)** business days, grant approval in writing or deny approval in writing, setting forth in detail the reasons which shall be limited to any defect in form or required information, any violation of any provision of this Ordinance, and any changes which would make the plan acceptable. The Zoning Administrator or designated official may extend this ten (10) business day period if additional time is required to determine compliance and/or obtain additional information necessary to determine compliance. In determining compliance with this Ordinance, the Zoning Administrator or designated official shall take into consideration all applicable standards of this Ordinance, such as setbacks, height, parking, landscaping, etc. If non-compliance with any standard of this Ordinance is demonstrated, the Zoning Administrator or designated official shall deny approval of the plan. The applicant may appeal any denial to the Board of Zoning Appeals.
- (E) Expiration.** Zoning permits (which includes zoning compliance, fence, and sign permits, etc.) will expire after two (2) years if construction has not commenced. Zoning Staff upon request prior to the expiration date, may grant an extension of not more than one (1) year from the expiration date, upon findings that the conditions of the permit have not changed. Not more than two (2) such extensions may be granted.

## 54.1402 Site Plan Review

**Figure 52. Site Plan Information Required in the Site Plan Set**

| Site Plan Information Required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Sketch Plan | Preliminary Site Plan | Final Site Plan |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-----------------------|-----------------|
| <b>Proposed Construction</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |             |                       |                 |
| If the application is related to property scheduled for phased development, the proposed layout for the total projected development shall be indicated, and the projected scope and time period shall be estimated for each additional phase. The phasing plan must be acceptable to the City staff to ensure that each phase can function independently and is not reliant on future phases if they are not constructed. <b>Tree clearing and grading is limited to the areas that are proposed and approved for a phased timeline.</b> | •           | •                     | •               |
| <b>Site Circulation Details and Access Design</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |             |                       |                 |
| General site circulation and access including: indication of street right-of-way and pavement widths; access points; and location of pedestrian paths. See <a href="#">Section 54.907</a> .                                                                                                                                                                                                                                                                                                                                              | •           |                       |                 |
| Street horizontal and vertical dimensions, including curve radii.                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |             | •                     | •               |
| Dimensions of access points including distance from adjacent driveways or intersecting streets, including those across a street. See <a href="#">Section 54.907</a> .                                                                                                                                                                                                                                                                                                                                                                    |             | •                     | •               |
| Schematic location and names of abutting public streets and other right-of-ways, and schematic location of proposed streets/roads, driveways, parking areas, pedestrian and bicycle paths.                                                                                                                                                                                                                                                                                                                                               |             | •                     |                 |



|                                                                                                                                                                                               |  |   |   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---|---|
| Schematic of access points, including from adjacent driveways on intersecting streets, including those across a street. See <i>Section 54.907</i> .                                           |  | • |   |
| Locations, dimensions, and names of abutting public streets and other right-of-ways, and of proposed streets/roads, driveways, parking areas, pedestrian and bicycle paths <b>or trails</b> . |  |   | • |
| Pavement widths and pavement types for all streets/roads, pedestrian and bicycle paths.                                                                                                       |  |   | • |
| Written verification of access easements or agreements, if applicable.                                                                                                                        |  | • | • |

## **SECTION 13. Article 15 – Violations, Penalties, and Enforcement**

**Chapter 54 – LAND DEVELOPMENT CODE, Article 15 – Violations, Penalties, and Enforcement is hereby amended as follows:**

### **Article 15 Violations, Penalties, and Enforcement**

#### **Section 54.1505 Payment of Civil Fines, Costs, or Justice System Assessments Prior to Permit Review** **Eligibility for Approval of a Permit or Application Request**

A person is not eligible to apply **City Staff cannot approve an application** for a rezoning, site plan approval, special land use approval, planned unit development approval, variance, or other zoning authorization if the person is delinquent in paying a civil fine, costs, or a justice system assessment imposed by an administrative hearings bureau established by the City pursuant to the Home Rule City Act, 1909 PA 279, MCL 117.4q, **the person has any other outstanding indebtedness to the City, or if the person has any unresolved violations of the City Code or state or federal law.**



The proposed amendments to the **Land Development Code** are formatted in the following way:

1. New subsections and/or language is shown underlined and highlighted, as the example below indicates:

Example) H. Light Manufacturing

2. A subsection or language that is to be eliminated is indicated by strikethrough lines in the font, as the example below indicates:

Example) ~~F. Dwelling units must be located above the first floor.~~

Other text that is neither highlighted or lined-through is included for context.

Some text is highlighted in blue to explain features of the amended text.

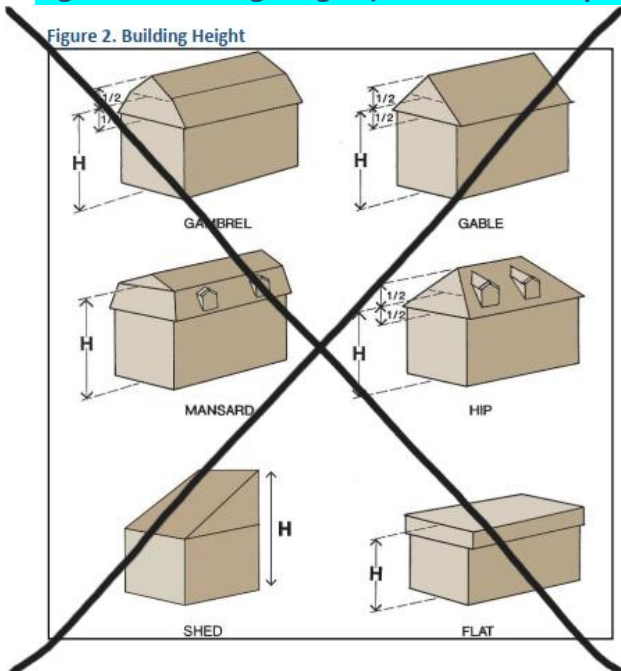
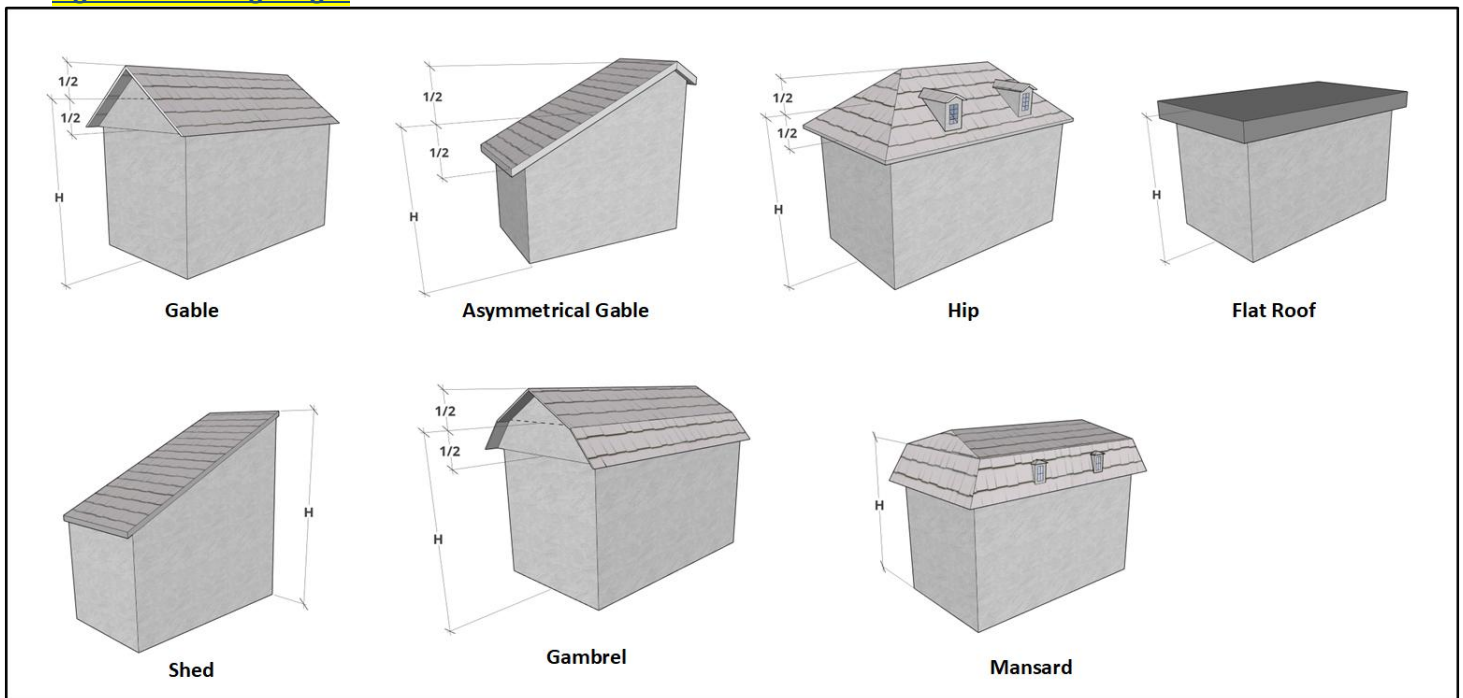
## **SECTION 1. Article 2- Definitions**

**Chapter 54 – LAND DEVELOPMENT CODE, Article 2 – Definitions is hereby amended as follows:**

### **Article 2 Definitions**

#### **Section 54.202 Specific Terms**

- (27) **Best Management Practices (BMPs).** Conservation practices or management measures approved by the Michigan Department of Environmental Quality (MDEQ) Environment, Great Lakes, and Energy (EGLE) or the City that prevent, control, and reduce nonpoint source pollution.
- (34) **Building, Height:** The vertical distance between the average grade (see definition of “Grade”) and the highest point of the roof surface for flat roofs; to the deck line of Mansard roofs; the average height between eaves and ridge for gable, hip, and gambrel roofs; and the maximum height of the highest wall for a shed roof. (See Figure 2. Building Height). Asymmetrical gable roofs will be measured from the longest roof – the vertical distance between the average grade and the average height between eaves and ridge.

**Figure 2. Building Height (Remove and Replace the images)****Figure 2. Building Height**

**(78) Fence, Residential Screening:** A closed-construction (solid or board-on-board) fence, more than four (4) feet in height but no more than six (6) feet in height. Such a fence is located and maintained primarily to screen views to and from adjacent properties.

**(789) Fence, Screening:** A fence/structure of definite height and location, located and maintained to prevent passage of light to screen and separate a use from adjacent property screen views and reduce noise to/from adjacent properties, and sometimes to separate different land uses.

**All of the definitions after this will need to be renumbered**

**(xx) Heavy Vehicle/Equipment Sales, Rental, and Display:** Includes indoor and outdoor display and storage of construction equipment such as manlifts, forklifts, aerial work platforms, earth moving equipment, cranes, pumps, and related accessories such as welders, trailers, air compressors.

**(xx) Lot Depth:** Lot depth is measured along an imaginary straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line. This straight line must be entirely within the lot boundaries.

**(xxx) Housing collective:** A cooperative organization, typically a non-profit in which the ownership and control of housing are mutually vested in the occupants of dwelling units and possibly other stakeholders of that organization, who may share cooperative responsibilities in the dwelling(s) other than financial interests. For example, an *Intentional Community* dwelling may be a housing collective, but as a housing collective is primarily a financial arrangement for owning and operating housing, it is not necessarily an *Intentional Community* or any other type of land use defined herein, and thus it is not a land use per se and not prohibited by this ordinance.

**(182) Pet Boarding Facility:** A business for the temporary boarding and care of common household pets, sometimes referred to as a “boarding kennel” or “doggy day care.” Boarding generally occurs during daytime hours, but may include overnight boarding. Pet boarding facilities may provide related services such as retail sales, grooming, or training, but no animals may be bred or sold at a pet boarding facility.

**(xx) Storage, Indoor:** Structure(s) containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time for dead storage and equipment and located entirely within a building. Dead storage refers to the storage of furniture, files, or other unused or seldom used items in a warehouse or other location for an indefinite period of time.

**(214) Storage, Open/Outdoor:** The storage of any material for a period greater than 24 hours, including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building.

**(xx) Storage Facility, Self:** A type of personal indoor storage for personal or business property or goods, for periods greater than 24 hours, mainly to provide long-term weather-protected, secured storage and shall be accessible by the owner of the storage items.

**(218) Street, Marginal Access:** A minor street parallel and adjacent to an arterial, collector or major thoroughfare, and which provides access to abutting properties private or public properties and protection from through traffic.

**(246) Veterinary Clinic (Domestic Animals Only):** An institution that is licensed by the State of Michigan to provide for the care, diagnosis, and treatment of sick or injured domestic animals, including those in need of medical or surgical attention. A veterinary clinic may include customary pens or cages within the walls of the clinic structure, but shall not include overnight boarding unless separately approved for a pet boarding facility use. A veterinary clinic may include such related facilities as laboratories, testing services, and offices.

**(249) Warehousing/Storage Facilities:** A use engaged primarily in indoor storage (commercial or personal materials), wholesale, and distribution of goods, products, supplies, and equipment, excluding bulk storage of materials.

**Warehousing:** An establishment in an enclosed building primarily engaged in storing commercial materials, goods, or property, including wholesaling operations that involve the sale or distribution of goods and materials in large quantity to retailers or other businesses for resale or distribution to individual or business customers. This shall not include heavy manufacturing, resource extraction, bulk storage of hazardous materials, or scrap or salvage operations. Examples include automated, distribution center, and cold storage.

**(253) Wetlands.** Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support the wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh. The boundaries of wetlands are determined in accordance with using maps produced by the Michigan Department of Environmental Quality Environment, Great Lakes, and Energy (EGLE), unless the applicant submits a certified wetlands delineation, which is preferable.

**(254) Wholesale Trade Establishments:** An establishment or place of business primarily engaged in selling and/or distributing wholesale merchandise to retailers, business users, other wholesalers, or individuals. This does not include warehousing/storage.

**(255) Wholesaling Operations:** The storage, and sale, and/or distribution of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment, including warehousing and indoor storage activities.

## **SECTION 2. Article 3 – Zoning Districts and Map**

**Chapter 54 – LAND DEVELOPMENT CODE, Article 3 – Zoning Districts and Map is hereby amended as follows:**

### **Article 3 Zoning Districts and Map**

#### **Section 54.306 Permitted Uses by District**

**Figure 8. Table of Permitted Land Uses and Special Land Uses by Zoning District**

**Key:** P=Permitted S=Special Land Use [blank]=Use Not Permitted

| Land Use                                     | LDR | MDR | MFR | MHP | MU | CBD | GC | RC | M | C | I-M | CR | BLP | Use Standards                   |
|----------------------------------------------|-----|-----|-----|-----|----|-----|----|----|---|---|-----|----|-----|---------------------------------|
| <b>Residential Uses</b>                      |     |     |     |     |    |     |    |    |   |   |     |    |     |                                 |
| Adult Foster Care, Family Home               | P   | P   | P   | P   | P  | P   |    |    |   |   |     |    |     |                                 |
| Adult Foster Care, Large Group Home          |     |     | S   |     |    |     |    |    |   |   |     |    |     | <a href="#">Section 54.602</a>  |
| Adult Foster Care, Small Group Home          | P   | P   | P   |     | P  |     |    |    |   |   |     |    |     | <a href="#">Section 54.602</a>  |
| Child or Day Care, Family Home               | P   | P   | P   | P   | P  | P   |    |    |   |   |     |    |     |                                 |
| Child or Day Care, Group Home                | P   | P   | P   |     | P  |     |    |    |   |   |     |    |     | <a href="#">Section 54.6078</a> |
| Dwelling, Accessory Unit                     | P   | P   | P   |     | P  | P   |    |    |   |   |     |    |     | <a href="#">Section 54.6112</a> |
| Dwelling, Intentional Community              | S   | S   | PS  |     | S  | S   |    |    |   |   |     |    |     | <a href="#">Section 54.6134</a> |
| Dwelling, Live/Work                          |     |     |     |     | P  | P   |    |    |   |   |     |    |     | <a href="#">Section 54.6145</a> |
| Dwelling, Multiple-Family, 5+ dwelling units |     |     | P   |     | P  | P   |    |    |   |   |     |    |     | <a href="#">Section 54.6156</a> |
| Dwelling, Single-Family Attached             |     |     | P   |     | P  | S   |    |    |   |   |     |    |     |                                 |
| Dwelling, Single-Family Detached             | P   | P   | P   |     | P  | S   |    |    |   |   |     |    |     | <a href="#">Section 54.6167</a> |

|                                                                                   |   |   |   |   |   |   |   |   |  |  |  |  |  |  |  |                                  |
|-----------------------------------------------------------------------------------|---|---|---|---|---|---|---|---|--|--|--|--|--|--|--|----------------------------------|
| Dwelling, Two-Family (Duplex)                                                     | P | P | P |   | P | P |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.6123</a>  |
| Dwelling, Triplex                                                                 | S | P | P |   | P | P |   |   |  |  |  |  |  |  |  |                                  |
| Dwelling, Quadplex                                                                | S | S | P |   | P | P |   |   |  |  |  |  |  |  |  |                                  |
| Foster Family Group Home                                                          | S | S | S |   | S | S |   |   |  |  |  |  |  |  |  |                                  |
| Foster Family Home                                                                | P | P | P |   | P | P |   |   |  |  |  |  |  |  |  |                                  |
| Home Occupation                                                                   | P | P | P |   | P | P |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.621</a>   |
| Home Office                                                                       | P | P | P |   | P | P |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.622</a>   |
| Mobile Home Park                                                                  |   |   |   | P |   |   |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.631</a>   |
| Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility |   |   | S |   | S | S |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.633</a>   |
| Residential Limited Animal Keeping                                                | P | P |   |   |   |   |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.6423</a>  |
| <b>Lodging Uses</b>                                                               |   |   |   |   |   |   |   |   |  |  |  |  |  |  |  |                                  |
| Bed and Breakfast                                                                 |   |   | S |   | S | S |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.603</a>   |
| Bed and Breakfast Inn                                                             |   |   |   |   | S | S |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.604</a>   |
| Domestic Violence Abuse Shelter                                                   |   |   | S |   | S | S |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.60910</a> |
| Fraternity or Sorority House                                                      |   |   | S |   | S | S |   |   |  |  |  |  |  |  |  |                                  |
| Halfway House                                                                     |   |   | S |   | S |   |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.61920</a> |
| Homeless Shelter                                                                  |   |   |   |   | S | S |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.623</a>   |
| Homestays and Vacation Home Rentals                                               | P | P | P |   | P | P |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.624</a>   |
| Hospital Hospitality House                                                        |   | S |   |   | S | S |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.626</a>   |
| Hostel                                                                            |   |   | S |   | S | S | S |   |  |  |  |  |  |  |  | <a href="#">Section 54.6434</a>  |
| Hotel or Motel                                                                    |   |   |   |   | S | S | P | P |  |  |  |  |  |  |  |                                  |
| Rooming House                                                                     |   |   | S |   | S | S | S |   |  |  |  |  |  |  |  | <a href="#">Section 54.6434</a>  |
| Supportive Housing Facility, Transitional and/or Permanent                        | S | S | P |   | S | S |   |   |  |  |  |  |  |  |  | <a href="#">Section 54.65249</a> |

**Key:** P=Permitted S=Special Land Use [blank]=Use Not Permitted

| Land Use                                  | LDR | MDR | MFR | MHP | MU | CBD | GC | RC | M | C | I-M | CR | BLP | Use Standards                   |
|-------------------------------------------|-----|-----|-----|-----|----|-----|----|----|---|---|-----|----|-----|---------------------------------|
| <b>Medical Uses</b>                       |     |     |     |     |    |     |    |    |   |   |     |    |     |                                 |
| Emergency Services                        |     |     |     |     | P  | P   | P  | P  |   |   |     |    |     |                                 |
| Health Services                           |     |     |     |     | P  | P   | P  | P  |   |   |     |    |     |                                 |
| Hospice                                   |     |     |     |     | P  | P   | P  | P  |   |   |     |    |     |                                 |
| Hospital                                  |     |     | S   |     | S  | S   | S  | S  |   |   |     |    |     | <a href="#">Section 54.625</a>  |
| Medical Hospital Related Accessory Uses   |     |     |     |     | P  | P   | P  | P  |   |   |     |    |     | <a href="#">Section 54.634</a>  |
| Medical Hospital Related Office or Uses   |     |     |     |     | P  | P   | P  | P  |   |   |     |    |     |                                 |
| Office, Medical                           |     |     |     |     | P  | P   | P  | P  |   |   | P   |    |     | <a href="#">Section 54.634</a>  |
| Veterinary Clinic (Domestic Animals Only) |     |     |     |     | P  | P   | P  | P  |   |   | P   |    |     |                                 |
| <b>Public and Quasi-Public Uses</b>       |     |     |     |     |    |     |    |    |   |   |     |    |     |                                 |
| Cemetery                                  | S   | S   | S   |     |    |     |    |    | P | P |     |    |     | <a href="#">Section 54.6056</a> |
| Public or Governmental Building           | S   | S   | S   |     | P  | P   | P  | P  | P | P | P   | P  | P   |                                 |
| Recreational Use, Land Intensive          |     |     |     |     |    |     |    |    |   |   | S   | S  |     | <a href="#">Section 54.6401</a> |
| Recreational Use, Public                  | S   | S   | S   |     | S  | S   | S  | S  | P | P |     | P  | P   |                                 |
| Religious Institution                     | S   | S   | S   |     | P  | S   | P  | P  |   |   | P   |    |     | <a href="#">Section 54.6412</a> |
| School, Primary or Secondary              | S   | S   | S   |     | S  | S   |    |    | P | P |     |    |     | <a href="#">Section 54.6445</a> |
| School, University                        |     | S   | S   |     | S  | S   |    |    | P | P |     |    |     | <a href="#">Section 54.6067</a> |

| Commercial and Retail Uses                                                  |   |   |   |   |   |   |   |   |   |   |   |   |                                            |
|-----------------------------------------------------------------------------|---|---|---|---|---|---|---|---|---|---|---|---|--------------------------------------------|
| Adult Entertainment Uses                                                    |   |   |   |   |   |   |   |   |   |   | S |   | <a href="#">Section 54.601</a>             |
| Bar                                                                         |   |   |   |   | S | P | P | P |   |   |   |   |                                            |
| Child Care Center or Day Care Center                                        | P | P |   |   | P | P | P | P |   |   |   |   | <a href="#">Section 54.6089</a>            |
| Drive-Through Uses                                                          |   |   |   |   | P | P | P | P |   |   |   |   | <a href="#">Section 54.6101</a>            |
| Farmers' Markets                                                            |   |   |   |   | P | P | P | P | P | P |   |   | <a href="#">Section 54.6178</a>            |
| Fuel Dispensing Uses, including Service Stations                            |   |   |   |   | S | S | P | P | P | P | P | P |                                            |
| Indoor Recreation                                                           |   |   |   |   | P | P | P | P | P | P | P |   |                                            |
| Heavy Vehicle/Equipment Sales, Rental, and Display                          |   |   |   |   |   |   | P | P |   |   | P |   | <a href="#">Section 54.620</a>             |
| Light Vehicle/Equipment Sales and Display                                   |   |   |   |   |   | P | P | P |   |   |   |   | <a href="#">Section 54.628</a>             |
| Office, Professional                                                        |   |   |   |   | P | P | P | P | P | P | P |   | <a href="#">Section 54.634</a>             |
| Off-street Parking Lot                                                      |   |   | S |   | S | S | S | S | S | S | S | S |                                            |
| Outdoor Entertainment and Community Events (Principal Use or Accessory Use) |   |   |   |   | S | P | S | S | P | P |   | P | <a href="#">Section 54.6356 (C) or (D)</a> |
| Outdoor Entertainment and Community Events (Temporary Use)                  | P | P | P | P | P | P | P | P | P | P | P | P | <a href="#">Section 54.6356(B)</a>         |
| Outdoor Alcoholic Beverage Service                                          |   |   |   |   | S | P | P | P |   |   | S |   | <a href="#">Section 54.6367</a>            |
| Outdoor Food & Non-Alcoholic Beverage Service                               |   |   |   |   | P | P | P | P |   |   | P |   | <a href="#">Section 54.6378</a>            |
| Outdoor Recreation                                                          |   |   | S |   | P | P | P | P | P | P |   | P |                                            |
| Pet Boarding Facility                                                       |   |   |   |   |   |   | S | S |   |   | S |   |                                            |

**Key:** P=Permitted S=Special Land Use [blank]=Use Not Permitted

| Land Use                                                              | LDR | MDR | MFR | MHP | MU | CBD | GC | RC | M | C | I-M | CR | BLP | Use Standards                    |
|-----------------------------------------------------------------------|-----|-----|-----|-----|----|-----|----|----|---|---|-----|----|-----|----------------------------------|
| Restaurant, Indoor Service                                            |     |     |     |     | P  | P   | P  | P  |   |   |     |    |     |                                  |
| Restaurant with Outdoor Alcoholic Beverage Service                    |     |     |     |     | S  | P   | P  | P  |   |   |     | S  |     | <a href="#">Section 54.6367</a>  |
| Restaurant with Outdoor Food & Non-Alcoholic Beverage Service         |     |     |     |     | P  | P   | P  | P  |   |   |     | P  |     | <a href="#">Section 54.6378</a>  |
| Retail Business, Indoor                                               |     |     |     |     | P  | P   | P  | P  |   |   | P   |    |     |                                  |
| Retail Business, Outdoor Permanent                                    |     |     |     |     |    |     | S  | S  |   |   | S   |    |     |                                  |
| Retail Sales <a href="#">and Service Areas</a> , Outdoor Temporary    |     |     |     |     | P  | P   | P  | P  |   |   |     |    |     | <a href="#">Section 54.6389</a>  |
| Service Establishment                                                 |     |     |     |     | P  | P   | P  | P  |   |   | P   |    |     |                                  |
| Shooting Range, Indoor                                                |     |     |     |     |    |     | P  | P  |   |   | P   |    |     | <a href="#">Section 54.6456</a>  |
| <del>Open Storage</del> <a href="#">Storage, Open/Outdoor</a>         |     |     |     |     |    |     | P  | P  | P | P | P   | P  | P   | <a href="#">Section 54.65035</a> |
| Vehicle Repair and Service                                            |     |     |     |     | S  | S   | P  | P  |   |   | P   |    |     | <a href="#">Section 54.627</a>   |
| Industrial Uses                                                       |     |     |     |     |    |     |    |    |   |   |     |    |     |                                  |
| Major Repair and Maintenance Operations                               |     |     |     |     |    |     |    |    | P | P | S   |    | P   | <a href="#">Section 54.627</a>   |
| Manufacturing, Heavy                                                  |     |     |     |     |    |     |    |    |   |   | S   |    | P   | <a href="#">Section 54.627</a>   |
| Manufacturing, Light– Low Impact                                      |     |     |     |     | P  | P   | P  | P  | P | P | P   |    | P   | <a href="#">Section 54.627</a>   |
| Manufacturing, Light – Medium Impact                                  |     |     |     |     | S  | S   | S  | S  | P | S | P   |    | P   | <a href="#">Section 54.627</a>   |
| Natural Resource Extraction <a href="#">and Processing</a> Operations |     |     |     |     |    |     |    |    |   |   | S   | S  | P   | <a href="#">Section 54.6321</a>  |
| Port Facilities and Docks                                             |     |     |     |     |    |     |    |    | S | S |     | S  | S   | <a href="#">Section 54.63940</a> |



|                                                          |   |   |   |   |   |   |   |   |    |   |   |   |   |                                  |
|----------------------------------------------------------|---|---|---|---|---|---|---|---|----|---|---|---|---|----------------------------------|
| Railroad Facilities                                      |   |   |   |   |   |   |   |   |    | P |   |   |   |                                  |
| Storage, Bulk                                            |   |   |   |   |   | S | P | P | PS | S |   | P |   | <a href="#">Section 54.64805</a> |
| Storage, Indoor                                          |   |   |   |   | S | P |   |   | P  |   |   |   |   | <a href="#">Section 54.649</a>   |
| Storage, Indoor – Accessory Use                          |   |   |   |   | S | P |   |   | P  |   |   |   |   | <a href="#">Section 54.649</a>   |
| Storage Facility, Self                                   |   |   |   |   | S | P |   |   | P  |   |   |   |   | <a href="#">Section 54.651</a>   |
| Storage Facility, Self – Accessory Use                   |   |   |   |   | S | P |   |   | P  |   |   |   |   | <a href="#">Section 54.651</a>   |
| Utility Electrical Power Generation                      |   |   |   |   |   |   |   |   |    | S |   | P |   |                                  |
| Warehousing/Storage Facilities                           |   |   |   |   | S | S | P | S | P  |   | P |   |   |                                  |
| Wholesale Trade Establishment                            |   |   |   | P | P | P | P |   |    |   | P |   |   |                                  |
| Wholesaling Operations                                   |   |   |   |   |   |   | S |   |    |   | P |   |   |                                  |
| <b>Other Uses</b>                                        |   |   |   |   |   |   |   |   |    |   |   |   |   |                                  |
| Accessory Building or Structure                          | P | P | P |   | P | P | P | P | P  | P | P | P | P | <a href="#">Section 54.705</a>   |
| Accessory Use, Non-Single Family Residential Lots        | P | P | P |   | P | P | P | P | P  | P | P | P | P |                                  |
| Accessory Use, Single-Family Residential Lots            | P | P | P |   | P | S |   |   |    |   |   |   |   |                                  |
| Agriculture-Like Operation, including Forestry           |   |   |   |   |   |   |   | P | P  |   |   | P | P |                                  |
| Food Production, Minor                                   | P | P | P | P | P | P | P | P | P  | P | P | P | P | <a href="#">Section 54.6189</a>  |
| Marihuana Designated Consumption Establishment           |   |   |   |   | S | S |   |   |    |   |   |   |   | <a href="#">Section 54.629</a>   |
| Marihuana Educational Research                           |   |   |   |   | S | S | S |   | S  | S |   |   |   | <a href="#">Section 54.629</a>   |
| Marihuana Grower – Class A                               |   |   |   |   | S | S | S |   |    | S |   |   |   | <a href="#">Section 54.629</a>   |
| Marihuana Grower – Class B                               |   |   |   |   |   | S | S |   |    | S |   |   |   | <a href="#">Section 54.629</a>   |
| Marihuana Grower – Class C                               |   |   |   |   |   | S | S |   |    | S |   |   |   | <a href="#">Section 54.629</a>   |
| Marihuana Grower _ Excess                                |   |   |   |   |   | S | S |   |    | S |   |   |   | <a href="#">Section 54.629</a>   |
| Marihuana Microbusiness- Class A and Light Manufacturing |   |   |   |   | S | S | S |   |    | S |   |   |   | <a href="#">Section 54.629</a>   |
| Marihuana Microbusiness- Heavy Manufacturing             |   |   |   |   |   |   |   |   |    | S |   |   |   | <a href="#">Section 54.629</a>   |
| Marihuana Processor- Light Manufacturing                 |   |   |   |   |   | S | S | S |    | S |   |   |   | <a href="#">Section 54.629</a>   |

**Key:**            **P=Permitted**                      **S=Special Land Use**                      **[blank]=Use Not Permitted**

[illegible]



|                                                                                              |  |  |  |  |  |   |   |   |   |   |   |   |   |                                 |
|----------------------------------------------------------------------------------------------|--|--|--|--|--|---|---|---|---|---|---|---|---|---------------------------------|
| public street or highway.                                                                    |  |  |  |  |  |   |   |   | S | S |   | S |   |                                 |
| Wireless Telecommunications Facilities                                                       |  |  |  |  |  | S | S | S | P | P | P | S | P | <a href="#">Section 54.6530</a> |
| Marquette Downtown Waterfront District Form-Based Code (see <a href="#">Section 54.321</a> ) |  |  |  |  |  |   |   |   |   |   |   |   |   |                                 |
| Third Street Corridor Form-Based Code (see <a href="#">Section 54.322</a> )                  |  |  |  |  |  |   |   |   |   |   |   |   |   |                                 |

## Section 54.307 LDR, Low Density Residential District

| (D) Dimensional Regulations for 1-2 Dwelling Units and other uses identified in Section 54.307                          |                                           |                              |                                                                     |
|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|------------------------------|---------------------------------------------------------------------|
| Lot, Coverage, and Building Height Standards                                                                            |                                           | Minimum Setbacks             |                                                                     |
| Min. Lot Area (sq. ft.)                                                                                                 | 8,100                                     | Front Yard (ft.)             | 20 <a href="#">(B)</a>                                              |
| Min. Lot Width (ft.)                                                                                                    | 60                                        | Side Yard (one) (ft.)        | 10 <a href="#">(L)</a>                                              |
| Max. Impervious Surface Coverage (%)                                                                                    | <a href="#">(S)</a>                       | Side Yard (total of 2) (ft.) | 20 <a href="#">(L)</a>                                              |
| Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a>                                                      | <a href="#">44 (V)</a><br><del>31.5</del> | Rear Yard (ft.)              | <a href="#">20 30</a><br><a href="#">(L)</a><br><a href="#">(U)</a> |
| Max. Building Height of Accessory Building                                                                              | <a href="#">(L)</a>                       |                              |                                                                     |
| Max. Building Height (stories)                                                                                          | -                                         |                              |                                                                     |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |                                           |                              |                                                                     |

| (E) Dimensional Regulations for 3-4 Dwelling Units                                                                      |                                           |                              |                                                                    |
|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|------------------------------|--------------------------------------------------------------------|
| Lot, Coverage, and Building Height Standards                                                                            |                                           | Minimum Setbacks             |                                                                    |
| Min. Lot Area (sq. ft.)                                                                                                 | 9,000 <a href="#">(E)</a>                 | Front Yard (ft.)             | 20 <a href="#">(B)</a>                                             |
| Min. Lot Width (ft.)                                                                                                    | 75 <a href="#">(E)</a>                    | Side Yard (one) (ft.)        | 10 <a href="#">(H)</a> , <a href="#">(L)</a>                       |
| Max. Impervious Surface Coverage (%)                                                                                    | <a href="#">(S)</a>                       | Side Yard (total of 2) (ft.) | 20 <a href="#">(H)</a> , <a href="#">(L)</a>                       |
| Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a>                                                      | <a href="#">44 (V)</a><br><del>31.5</del> | Rear Yard (ft.)              | 30 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(U)</a> |
| Max. Building Height of Accessory Building                                                                              | <a href="#">(L)</a>                       |                              |                                                                    |
| Max. Building Height (stories)                                                                                          | -                                         |                              |                                                                    |
| Max. Lot Coverage/ Ground Coverage                                                                                      | 0.50                                      |                              |                                                                    |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |                                           |                              |                                                                    |

## Section 54.308 MDR, Medium Density Residential District

### (A) Intent

The MDR district is intended to establish and preserve medium-density residential neighborhoods that present an environment acceptable to a range of users, including families of all types. Some additional non-residential compatible uses may be allowed. It is important to ~~to~~ **for** the community to preserve and enhance these pedestrian-friendly, compact neighborhood ~~types~~ **districts** where homes and buildings are of similar scale and character ~~support the vast majority of residents in a form that is traditional to the city.~~

### (D) Dimensional Regulations for 1 Dwelling unit and other uses identified in Section 54.308

| Lot, Coverage, and Building Height Standards       |                | Minimum Setbacks             |             |
|----------------------------------------------------|----------------|------------------------------|-------------|
| Min. Lot Area (sq. ft.)                            | 4,500 (C)      | Front Yard (ft.)             | 15 (A), (B) |
| Min. Lot Width (ft.)                               | 37.5 (D)       | Side Yard (one) (ft.)        | 5 (L)       |
| Max. Impervious Surface Coverage (%)               | (S)            | Side Yard (total of 2) (ft.) | 13 (L)      |
| Max. Building Height of Primary Building (ft.) (Q) | 44 (V)<br>31.5 | Rear Yard (ft.)              | 20 (L), (U) |
| Max. Building Height of Accessory Building         | (L)            |                              |             |
| Max. Building Height (stories)                     | -              |                              |             |

Where there is a discrepancy between [Article 4](#) and this table, [Article 4](#) shall prevail.

### (E) Dimensional Regulations for 2 Dwelling Units

| Lot, Coverage, and Building Height Standards       |                | Minimum Setbacks             |                |
|----------------------------------------------------|----------------|------------------------------|----------------|
| Min. Lot Area (sq. ft.)                            | 6,000 (C)      | Front Yard (ft.)             | 15 (A), (B)    |
| Min. Lot Width (ft.)                               | 50 (D)         | Side Yard (one) (ft.)        | 5 10<br>(L)    |
| Max. Impervious Surface Coverage (%)               | (S)            | Side Yard (total of 2) (ft.) | 13 20<br>(L)   |
| Max. Building Height of Primary Building (ft.) (Q) | 44 (V)<br>31.5 | Rear Yard (ft.)              | 20 (L),<br>(U) |
| Max. Building Height of Accessory Building         | (L)            |                              |                |
| Max. Building Height (stories)                     | -              |                              |                |

Where there is a discrepancy between [Article 4](#) and this table, [Article 4](#) shall prevail.

### (F) Dimensional Regulations for 3-4 Dwelling Units

| Lot, Coverage, and Building Height Standards       |             | Minimum Setbacks             |                         |
|----------------------------------------------------|-------------|------------------------------|-------------------------|
| Min. Lot Area (sq. ft.)                            | 9,000 (E)   | Front Yard (ft.)             | 15 (A)                  |
| Min. Lot Width (ft.)                               | 75 (E)      | Side Yard (one) (ft.)        | 10 (H), (L)             |
| Max. Impervious Surface Coverage (%)               | (S)         | Side Yard (total of 2) (ft.) | 20 (H), (L)             |
| Max. Building Height of Primary Building (ft.) (Q) | 44 (V) 31.5 | Rear Yard (ft.)              | 30 (H), (L) (L),<br>(U) |
| Max. Building Height of Accessory Building         | (L)         |                              |                         |
| Max. Building Height (stories)                     | -           |                              |                         |
| Max. Lot Coverage/ Ground Coverage                 | 0.50        |                              |                         |

Where there is a discrepancy between [Article 4](#) and this table, [Article 4](#) shall prevail.

## Section 54.309 MFR, Multiple Family Residential District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | (C) Special Land Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Accessory Building or Structure</li> <li>Accessory Use, Non-Single Family Residential Lots</li> <li>Accessory Use, Single-Family Residential Lots</li> <li>Adult Foster Care, Family Home</li> <li>Adult Foster Care, Small Group Home</li> <li>Child or Day Care, Family Home</li> <li>Child or Day Care, Group Home</li> <li>Dwelling, Accessory Unit</li> <li><b>Dwelling, Intentional Community</b></li> <li>Dwelling, Multiple-Family 5+ dwelling units</li> <li>Dwelling, Quadplex</li> <li>Dwelling, Single-Family Attached</li> <li>Dwelling, Single-Family Detached</li> <li>Dwelling, Triplex</li> <li>Dwelling, Two-Family (Duplex)</li> <li>Food Production, Minor</li> <li>Foster Family Home</li> <li>Home Occupation</li> <li>Home Office</li> <li>Homestays and Vacation Home</li> <li>Outdoor Entertainment and Community Events (Temporary)</li> <li>Small Wind Energy Systems, Roof-Mounted</li> <li>Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>Supportive Housing Facility, Transitional and/or Permanent</li> </ul> | <ul style="list-style-type: none"> <li>Adult Foster Care, Large Group Home</li> <li>Bed and Breakfast</li> <li>Cemetery</li> <li>Domestic Violence Abuse Shelter</li> <li><del>Dwelling, Intentional Community</del></li> <li>Foster Family Group Home</li> <li>Fraternity or Sorority House</li> <li>Halfway House</li> <li>Hospital</li> <li>Hostel</li> <li>Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility</li> <li>Off-street Parking Lot</li> <li>Outdoor Recreation</li> <li>Public or Governmental Building</li> <li>Recreational Use, Public</li> <li>Religious Institution</li> <li>Rooming House</li> <li>School, Primary or Secondary</li> <li>School, University</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> </ul> |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

| (D) Dimensional Regulations 5+ Multiple Family Units                                                                    |                                                                                   |                              |                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------|------------------------------------------------------------------------------------------|
| Lot, Coverage, and Building Height Standards                                                                            |                                                                                   | Minimum Setbacks             |                                                                                          |
| Min. Lot Area (sq. ft.)                                                                                                 | 15,000                                                                            | Front Yard (ft.)             | 15 <a href="#">(A)</a>                                                                   |
| Min. Lot Width (ft.)                                                                                                    | 100                                                                               | Side Yard (one) (ft.)        | 15 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(M)</a>                       |
| Max. Impervious Surface Coverage (%)                                                                                    | <a href="#">(T)</a>                                                               | Side Yard (total of 2) (ft.) | 30 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(M)</a>                       |
| Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a>                                                      | <a href="#">48</a> <a href="#">36.5</a> <a href="#">(M)</a> , <a href="#">(N)</a> | Rear Yard (ft.)              | 30 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(M)</a> , <a href="#">(U)</a> |
| Max. Building Height of Accessory Building                                                                              | <a href="#">Sec 54.616(C)</a>                                                     | Required Buffer & Greenbelt  | <a href="#">(U)</a> <a href="#">(T)</a>                                                  |
| Max. Building Height (stories)                                                                                          | -                                                                                 |                              |                                                                                          |
| Max. Lot Coverage/ Ground Coverage                                                                                      | 0.50                                                                              |                              |                                                                                          |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |                                                                                   |                              |                                                                                          |

| (E) Dimensional Regulations for 3-4 Dwelling Units and other uses identified in Section 54.309 |                                                             |                              |                                                                    |
|------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------|--------------------------------------------------------------------|
| Lot, Coverage, and Building Height Standards                                                   |                                                             | Minimum Setbacks             |                                                                    |
| Min. Lot Area (sq. ft.)                                                                        | 9,000 <a href="#">(E)</a>                                   | Front Yard (ft.)             | 15 <a href="#">(A)</a>                                             |
| Min. Lot Width (ft.)                                                                           | 75 <a href="#">(E)</a>                                      | Side Yard (one) (ft.)        | 10 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(M)</a> |
| Max. Impervious Surface Coverage (%)                                                           | <a href="#">(S or T)</a>                                    | Side Yard (total of 2) (ft.) | 20 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(M)</a> |
| Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a>                             | <a href="#">48</a> <a href="#">36.5</a> <a href="#">(M)</a> | Rear Yard (ft.)              | 30 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(M)</a> |

|                                                                                                                         |                                |                             |              |
|-------------------------------------------------------------------------------------------------------------------------|--------------------------------|-----------------------------|--------------|
|                                                                                                                         | <u>(N)</u>                     |                             | <u>(U)</u>   |
| Max. Building Height of Accessory Building                                                                              | <u>(L) &amp; Sec 64.616(C)</u> | Required Buffer & Greenbelt | <u>(U T)</u> |
| Max. Building Height (stories)                                                                                          | -                              |                             |              |
| Max. Lot Coverage/ Ground Coverage                                                                                      | 0.50                           |                             |              |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |                                |                             |              |

| (F) Dimensional Regulations for 1-2 Dwelling Units                                                                      |                                      |                              |                                      |
|-------------------------------------------------------------------------------------------------------------------------|--------------------------------------|------------------------------|--------------------------------------|
| Lot, Coverage, and Building Height Standards                                                                            |                                      | Minimum Setbacks             |                                      |
| Min. Lot Area (sq. ft.)                                                                                                 | 6,000 <u>(C)</u>                     | Front Yard (ft.)             | 15 <u>(A)</u>                        |
| Min. Lot Width (ft.)                                                                                                    | 50 <u>(D)</u>                        | Side Yard (one) (ft.)        | <u>5</u> 10 <u>(L)</u>               |
| Max. Impervious Surface Coverage (%)                                                                                    | <u>(S)</u>                           | Side Yard (total of 2) (ft.) | <u>13</u> 20 <u>(L)</u>              |
| Max. Building Height of Primary Building (ft.) <u>(Q)</u>                                                               | <u>44</u> <u>(V)</u> <del>31.5</del> | Rear Yard (ft.)              | <u>20</u> 30 <u>(L)</u> , <u>(U)</u> |
| Max. Building Height of Accessory Building                                                                              | <u>(L)</u>                           | Required Buffer & Greenbelt  | <u>(U T)</u>                         |
| Max. Building Height (stories)                                                                                          | -                                    |                              |                                      |
| Max. Lot Coverage/ Ground Coverage                                                                                      | -                                    |                              |                                      |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |                                      |                              |                                      |

## Section 54.310 MHP, Mobile Home Park District

| (A) Intent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>The MHP is intended to provide for the location and regulation of mobile home parks. It is intended that mobile home parks be provided with necessary community services in a setting that provides a high quality of life for residents. This district should be located in areas where it will be compatible with adjacent land uses.</p> <p>The regulations established by State law (Michigan Public Act 96 of 1987, as amended) and the Manufactured Housing Commission Rules govern all mobile home parks. When regulations in this Section exceed the State law or the Manufactured Housing Commission Rules, they are intended to ensure that mobile home parks meet the development and site plan standards established by this Ordinance for other comparable residential development and to promote health, safety, and welfare of the City's residents.</p> |

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                        | (C) Special Land Uses                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Accessory Building or Structure</li> <li>Adult Foster Care, Family Home</li> <li>Child or Day Care, Family Home</li> <li>Food Production, Minor</li> <li>Mobile Home Park</li> <li>Outdoor Entertainment and Community Events (Temporary)</li> <li>Small Wind Energy Systems, Roof-Mounted</li> <li>Solar Energy Systems, &lt;20kw- Accessory Use</li> </ul> | <ul style="list-style-type: none"> <li>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> </ul> |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                                                                   |                                                                                                       |

| (D) Dimensional Regulations        |
|------------------------------------|
| See <a href="#">Section 54.631</a> |

| (E) References to Additional Standards |
|----------------------------------------|
|----------------------------------------|

|                                                             |                                                                      |                                                               |
|-------------------------------------------------------------|----------------------------------------------------------------------|---------------------------------------------------------------|
| <b>Definitions</b><br><a href="#">Article 2</a>             | <b>Steep Slopes and Ridgelines</b><br><a href="#">Section 54.806</a> | <b>Zoning Permits</b><br><a href="#">Section 54.1401</a>      |
| <b>Riparian Buffers</b><br><a href="#">Section 54.804</a>   | <b>Signs</b><br><a href="#">Article 11</a>                           | <b>Site Plan Review</b><br><a href="#">Section 54.1402</a>    |
| <b>Wetland Protection</b><br><a href="#">Section 54.805</a> | <b>Nonconformities</b><br><a href="#">Article 12</a>                 | <b>Accessory Structures</b><br><a href="#">Section 54.705</a> |

## Section 54.311 M-U, Mixed-Use District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | (C) Special Land Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• Accessory Use, Non-Single Family Residential Lots</li> <li>• Accessory Use, Single-Family Residential Lots</li> <li>• Adult Foster Care, Family Home</li> <li>• Adult Foster Care, Small Group Home</li> <li>• Child Care Center or Day Care Center</li> <li>• Child or Day Care, Family Home</li> <li>• Child or Day Care, Group Home</li> <li>• Drive-Through Uses</li> <li>• Dwelling, Accessory Unit</li> <li>• Dwelling, Live/Work</li> <li>• Dwelling, Multiple-Family 5+ dwelling units</li> <li>• Dwelling, Quadplex</li> <li>• Dwelling, Single-Family Attached</li> <li>• Dwelling, Single-Family Detached</li> <li>• Dwelling, Triplex</li> <li>• Dwelling, Two-Family (Duplex)</li> <li>• Emergency Services</li> <li>• Farmers' Markets</li> <li>• Food Production, Minor</li> <li>• Foster Family Home</li> <li>• Health Services</li> <li>• Home Occupation</li> <li>• Home Office</li> <li>• Homestays and Vacation Home</li> <li>• Hospice</li> <li>• Indoor Recreation</li> <li>• Manufacturing, Light – Low Impact</li> <li>• Medical Hospital Related Accessory Uses</li> <li>• Medical Hospital Related Office or Uses</li> <li>• Office, Medical</li> <li>• Office, Professional</li> <li>• Outdoor Entertainment and Community Events (Temporary)</li> <li>• Outdoor Food and Non-Alcoholic Beverage Service</li> <li>• Outdoor Recreation</li> <li>• Public or Governmental Building</li> <li>• Religious Institution</li> <li>• Restaurant, Indoor Service</li> <li>• Restaurant with Outdoor Food &amp; Non-Alcoholic Beverage Service</li> <li>• Retail Business, Indoor</li> </ul> | <ul style="list-style-type: none"> <li>• Bar</li> <li>• Bed and Breakfast</li> <li>• Bed and Breakfast Inn</li> <li>• Domestic Violence Abuse Shelter</li> <li>• Dwelling, Intentional Community</li> <li>• Foster Family Group Home</li> <li>• Fraternity or Sorority House</li> <li>• Fuel Dispensing Uses, including Service Stations</li> <li>• Halfway House</li> <li>• Homeless Shelter</li> <li>• Hospital</li> <li>• Hospital Hospitality House</li> <li>• Hostel</li> <li>• Hotel or Motel</li> <li>• Manufacturing, Light– Medium Impact</li> <li>• Marihuana Safety Compliance Facility</li> <li>• Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility</li> <li>• Off-street Parking Lot</li> <li>• Outdoor Entertainment and Community Events (Principal or Accessory Use)</li> <li>• Outdoor Alcoholic Beverage Service</li> <li>• Recreational Use, Public</li> <li>• Restaurant with Outdoor Alcoholic Beverage Service</li> <li>• Rooming House</li> <li>• School, Primary or Secondary</li> <li>• School, University</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> <li>• Supportive Housing Facility, Transitional and/or Permanent</li> <li>• Vehicle Repair and Service</li> </ul> |

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <ul style="list-style-type: none"> <li>Retail Sales <b>and Service Areas</b>, Outdoor Temporary</li> <li>Service Establishment</li> <li>Small Wind Energy Systems, Roof-Mounted</li> <li>Solar Energy Systems, &lt;20kw- Accessory Use</li> <li><b>Wholesale Trade Establishment</b></li> <li>Veterinary Clinic (Domestic Animals Only)</li> </ul> |  |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                  |  |

| (D) Dimensional Regulations                                                                                             |                                                 |                              |                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|------------------------------|------------------------------------------------------------------------------------------|
| Lot, Coverage, and Building Height Standards                                                                            |                                                 | Minimum Setbacks             |                                                                                          |
| Min. Lot Area (sq. ft.)                                                                                                 | 4,800 <a href="#">(C)</a> , <a href="#">(E)</a> | Front Yard (ft.)             | 0 <a href="#">(E)</a> , <a href="#">(F)</a> , <a href="#">(G)</a>                        |
| Min. Lot Width (ft.)                                                                                                    | 40 <a href="#">(D)</a> , <a href="#">(E)</a>    | Side Yard (one) (ft.)        | 5 <a href="#">(I)</a> , <a href="#">(L)</a> , <a href="#">(N)</a>                        |
| Max. Impervious Surface Coverage (%)                                                                                    | <a href="#">(S or T)</a>                        | Side Yard (total of 2) (ft.) | 13 <a href="#">(I)</a> , <a href="#">(L)</a> , <a href="#">(N)</a>                       |
| Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a>                                                      | <b>48</b> <b>44</b> <a href="#">(N)</a>         | Rear Yard (ft.)              | 20 <a href="#">(J)</a> , <a href="#">(L)</a> , <a href="#">(N)</a> , <a href="#">(U)</a> |
| Max. Building Height of Accessory Building                                                                              | <a href="#">(L)</a>                             | Required Buffer & Greenbelt  | <a href="#">(U)</a> <a href="#">(T)</a>                                                  |
| Max. Building Height (stories)                                                                                          | -                                               |                              |                                                                                          |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |                                                 |                              |                                                                                          |

## Section 54.312 CBD, Central Business District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | (C) Special Land Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Accessory Building or Structure</li> <li>Accessory Use, Non-Single Family Residential Lots</li> <li>Adult Foster Care, Family Home</li> <li>Bar</li> <li>Child or Day Care, Family Home</li> <li>Child Care Center or Day Care Center</li> <li>Drive-Through Uses</li> <li>Dwelling, Live/Work</li> <li>Dwelling, Accessory Unit</li> <li>Dwelling, Multiple Family 5+ dwelling units</li> <li>Dwelling, Quadplex</li> <li>Dwelling, Two-Family (Duplex)</li> <li>Dwelling, Triplex</li> <li>Emergency Services</li> <li>Farmers' Markets</li> <li>Food Production, Minor</li> <li>Foster Family Home</li> <li>Health Services</li> <li>Home Occupation</li> <li>Home Office</li> <li>Homestays and Vacation Home</li> <li>Hospice</li> <li>Indoor Recreation</li> <li>Light Vehicle/Equipment Sales and Display</li> <li>Manufacturing, Light- Low Impact</li> <li>Medical Hospital Related Accessory Uses</li> <li>Medical Hospital Related Office or Uses</li> </ul> | <ul style="list-style-type: none"> <li>Accessory Use, Single-Family Residential Lots</li> <li>Bed and Breakfast</li> <li>Bed and Breakfast Inn</li> <li>Domestic Violence Abuse Shelter</li> <li>Dwelling, Intentional Community</li> <li>Dwelling, Single-Family Attached</li> <li>Dwelling, Single-Family Detached</li> <li>Foster Family Group Home</li> <li>Fraternity or Sorority House</li> <li>Fuel Dispensing Uses, including Service Stations</li> <li>Homeless Shelter</li> <li>Hospital</li> <li>Hospital Hospitality House</li> <li>Hostel</li> <li>Hotel or Motel</li> <li>Manufacturing, Light – Medium Impact</li> <li>Marihuana Designated Consumption Establishment</li> <li>Marihuana Educational Research</li> <li>Marihuana Grower – Class A</li> <li>Marihuana Microbusiness – Light Manufacturing</li> <li>Marihuana Processor – Light Manufacturing</li> <li>Marihuana Retailer</li> <li>Marihuana Safety Compliance Facility</li> <li>Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility</li> <li>Off-street Parking Lot</li> <li>Recreational Use, Public</li> </ul> |

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Office, Medical</li> <li>Office, Professional</li> <li>Outdoor Alcoholic Food and Beverage Service</li> <li>Outdoor Entertainment and Community Events (Principal, Temporary, or Accessory Use)</li> <li>Outdoor Food and Non-Alcoholic Beverage Service</li> <li>Outdoor Recreation</li> <li>Public or Governmental Building</li> <li>Restaurant, Indoor Service</li> <li>Retail Business, Indoor</li> <li>Restaurant with Outdoor Food &amp; Non-Alcoholic Beverage Service</li> <li>Restaurant with Outdoor Alcoholic Beverage Service</li> <li>Retail Sales <b>and Service Areas</b>, Outdoor Temporary</li> <li>Small Wind Energy Systems, Roof-Mounted</li> <li>Solar Energy Systems, &lt;20kw- Accessory Use</li> <li><b>Wholesale Trade Establishment</b></li> <li>Veterinary Clinic (Domestic Animals Only)</li> </ul> | <ul style="list-style-type: none"> <li>Religious Institution</li> <li>Rooming House</li> <li>School, Primary or Secondary</li> <li>School, University</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> <li>Supportive Housing Facility, Transitional and/or Permanent</li> <li>Vehicle Repair and Service</li> <li>Wireless Telecommunications Facilities</li> </ul> |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

| (D) Dimensional Regulations                                                                                             |                        |                                         |                                               |
|-------------------------------------------------------------------------------------------------------------------------|------------------------|-----------------------------------------|-----------------------------------------------|
| <i>Lot, Coverage, and Building Height Standards</i>                                                                     |                        | <i>Minimum Setbacks</i>                 |                                               |
| <i>Min. Lot Area (sq. ft.)</i>                                                                                          | None                   | <i>Front Yard (ft.)</i>                 | 0                                             |
| <i>Min. Lot Width (ft.)</i>                                                                                             | 24                     | <i>Front Yard (ft.) Maximum Setback</i> | 10                                            |
| <i>Max. Impervious Surface Coverage (%)</i>                                                                             | <a href="#">S or T</a> | <i>Side Yard (one) (ft.)</i>            | 5 <a href="#">(I)</a>                         |
| <i>Max. Building Height of Primary Building (ft.)</i> <a href="#">(Q)</a>                                               | 74                     | <i>Side Yard (total of 2) (ft.)</i>     | 10 <a href="#">(I)</a>                        |
| <i>Max. Building Height of Accessory Building</i> <a href="#">(L)</a>                                                   | 18                     | <i>Rear Yard (ft.)</i>                  | 10 <a href="#">(I)</a><br><a href="#">(U)</a> |
| <i>Max. Building Height (stories)</i>                                                                                   | -                      | <i>Required Buffer &amp; Greenbelt</i>  | <a href="#">(U)</a> <a href="#">(I)</a>       |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |                        |                                         |                                               |

## Section 54.313 GC, General Commercial District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | (C) Special Land Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Accessory Building or Structure</li> <li>Accessory Use, Non-Single Family Residential Lots</li> <li>Bar</li> <li>Child Care Center or Day Care Center</li> <li>Drive-Through Uses</li> <li>Emergency Services</li> <li>Farmers' Markets</li> <li>Food Production, Minor</li> <li>Fuel Dispensing Uses, including Service Stations</li> <li>Health Services</li> <li><b>Heavy Vehicle/Equipment Sales, Rental, and Display</b></li> <li>Hospice</li> <li>Hotel or Motel</li> </ul> | <ul style="list-style-type: none"> <li>Hospital</li> <li>Hostel</li> <li>Manufacturing, Light– Medium Impact</li> <li>Marihuana Designated Consumption Establishment</li> <li>Marihuana Educational Research</li> <li>Marihuana Grower – Class A</li> <li>Marihuana Grower – Class B</li> <li>Marihuana Grower – Class C</li> <li>Marihuana Grower – Excess</li> <li>Marihuana Microbusiness Class A and Light Manufacturing</li> <li>Marihuana Processor – Light Manufacturing</li> <li>Marihuana Retailer</li> </ul> |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Indoor Recreation</li> <li>Light Vehicle/Equipment Sales and Display</li> <li>Manufacturing, Light – Low Impact</li> <li>Medical Hospital Related Accessory Uses</li> <li>Medical Hospital Related Office or Uses</li> <li>Office, Medical</li> <li>Office, Professional</li> <li>Outdoor Alcoholic Beverage Service</li> <li>Outdoor Entertainment and Community Events (Temporary Use)</li> <li>Outdoor Food and Non-Alcoholic Beverage Service</li> <li>Outdoor Recreation</li> <li>Public or Governmental Building</li> <li>Religious Institution</li> <li>Restaurant, Indoor Service</li> <li>Restaurant with Outdoor Food &amp; Non-Alcoholic Beverage Service</li> <li>Restaurant with Outdoor Alcoholic Beverage Service</li> <li>Retail Business, Indoor</li> <li>Retail Sales <b>and Service Areas</b>, Outdoor Temporary</li> <li>Service Establishment</li> <li>Shooting Range, Indoor</li> <li>Small Wind Energy Systems, Roof-Mounted</li> <li>Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>Storage, Open/<b>Outdoor</b></li> <li>Vehicle Repair and Service</li> <li>Veterinary Clinic (Domestic Animals Only)</li> <li>Wholesale Trade Establishment</li> </ul> | <ul style="list-style-type: none"> <li>Marihuana Safety Compliance Facility</li> <li>Marihuana Secure Transporters</li> <li>Off-street Parking Lot</li> <li>Outdoor Entertainment and Community Events (Principal &amp; Accessory Use)</li> <li>Pet Boarding Facility</li> <li>Recreational Use, Public</li> <li>Retail Business, Outdoor Permanent</li> <li>Rooming House</li> <li>Small Wind Energy Systems, Tower-Mounted</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> <li><b>Storage Facility, Self</b></li> <li><b>Storage Facility, Self – Accessory Use</b></li> <li><b>Storage, Indoor</b></li> <li><b>Storage, Indoor – Accessory Use</b></li> <li><b>Warehousing</b></li> <li>Wireless Telecommunications Facilities</li> </ul> |
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Where there is a discrepancy between [Section 54.306](#) and this table, [Section 54.306](#) shall prevail.

| (D) Dimensional Regulations                                               |                     |                                        |                                             |
|---------------------------------------------------------------------------|---------------------|----------------------------------------|---------------------------------------------|
| <i>Lot, Coverage, and Building Height Standards</i>                       |                     | <i>Minimum Setbacks</i>                |                                             |
| <i>Min. Lot Area (sq. ft.)</i>                                            | None                | <i>Front Yard (ft.)</i>                | 0 <a href="#">(F)</a> , <a href="#">(G)</a> |
| <i>Min. Lot Width (ft.)</i>                                               | 24                  | <i>Side Yard (one) (ft.)</i>           | 15 <a href="#">(I)</a>                      |
| <i>Max. Impervious Surface Coverage (%)</i>                               | <a href="#">(T)</a> | <i>Side Yard (total of 2) (ft.)</i>    | 30 <a href="#">(I)</a>                      |
| <i>Max. Building Height of Primary Building (ft.)</i> <a href="#">(Q)</a> | 40                  | <i>Rear Yard (ft.)</i>                 | 20 <a href="#">(U)</a>                      |
| <i>Max. Building Height of Accessory Building</i> <a href="#">(L)</a>     | 24                  | <i>Required Buffer &amp; Greenbelt</i> | <a href="#">(U)</a> <a href="#">(T)</a>     |
| <i>Max. Building Height (stories)</i>                                     | -                   |                                        |                                             |

Where there is a discrepancy between [Article 4](#) and this table, [Article 4](#) shall prevail.

## Section 54.314 RC, Regional Commercial District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                              | (C) Special Land Uses                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Accessory Building or Structure</li> <li>Accessory Use, Non-Single Family Residential Lots</li> <li>Bar</li> <li>Child Care Center or Day Care Center</li> <li>Drive-Through Uses</li> <li>Emergency Services</li> <li>Farmers' Markets</li> </ul> | <ul style="list-style-type: none"> <li>Hospital</li> <li>Manufacturing, Light – Medium Impact</li> <li>Marihuana Educational Research</li> <li>Marihuana Grower – Class A</li> <li>Marihuana Grower – Class B</li> <li>Marihuana Grower – Class C</li> <li>Marihuana Grower – Excess</li> </ul> |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Food Production, Minor</li> <li>Fuel Dispensing Uses, including Service Stations</li> <li>Health Services</li> <li>Heavy Vehicle/Equipment Sales, Rental, and Display</li> <li>Hospice</li> <li>Hotel or Motel</li> <li>Indoor Recreation</li> <li>Light Vehicle/Equipment Sales and Display</li> <li>Manufacturing, Light – Low Impact</li> <li>Medical Hospital Related Accessory Uses</li> <li>Medical Hospital Related Office or Uses</li> <li>Office, Medical</li> <li>Office, Professional</li> <li>Outdoor Alcoholic Beverage Service</li> <li>Outdoor Entertainment and Community Events (Temporary Use)</li> <li>Outdoor Food and Non-Alcoholic Beverage Service</li> <li>Outdoor Recreation</li> <li>Public or Governmental Building</li> <li>Religious Institution</li> <li>Restaurant, Indoor Service</li> <li>Restaurant with Outdoor Food &amp; Non-Alcoholic Beverage Service</li> <li>Restaurant with Outdoor Alcoholic Beverage Service</li> <li>Retail Business, Indoor</li> <li>Retail Sales and Service Areas, Outdoor Temporary</li> <li>Service Establishment</li> <li>Shooting Range, Indoor</li> <li>Small Wind Energy Systems, Roof-Mounted</li> <li>Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> <li>Storage Facility, Self</li> <li>Storage Facility, Self – Accessory Use</li> <li>Storage, Indoor</li> <li>Storage, Indoor – Accessory Use</li> <li>Storage, Open/Outdoor</li> <li>Vehicle Repair and Service</li> <li>Veterinary Clinic (Domestic Animals Only)</li> <li>Wholesale Trade Establishment</li> </ul> | <ul style="list-style-type: none"> <li>Marihuana Microbusiness – Class A and Light Manufacturing</li> <li>Marihuana Processor – Light Manufacturing</li> <li>Marihuana Retailer</li> <li>Marihuana Safety Compliance Facility</li> <li>Marihuana Secure Transporters</li> <li>Off-street Parking Lot</li> <li>Outdoor Entertainment and Community Events (Principal &amp; Accessory Use)</li> <li>Pet Boarding Facility</li> <li>Recreational Use, Public</li> <li>Retail Business, Outdoor Permanent</li> <li>Small Wind Energy Systems, Tower-Mounted</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>Storage, Bulk</li> <li>Warehousing/Storage Facilities</li> <li>Wholesaling Operations</li> <li>Wireless Telecommunications Facilities</li> </ul> |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

| (D) Dimensional Regulations                                                                                             |                     |                              |                                         |
|-------------------------------------------------------------------------------------------------------------------------|---------------------|------------------------------|-----------------------------------------|
| Lot, Coverage, and Building Height Standards                                                                            |                     | Minimum Setbacks             |                                         |
| Min. Lot Area (sq. ft.)                                                                                                 | None                | Front Yard (ft.)             | 30                                      |
| Min. Lot Width (ft.)                                                                                                    | 24                  | Side Yard (one) (ft.)        | 15                                      |
| Max. Impervious Surface Coverage (%)                                                                                    | <a href="#">(T)</a> | Side Yard (total of 2) (ft.) | 30                                      |
| Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a>                                                      | 40                  | Rear Yard (ft.)              | 20, <a href="#">(U)</a>                 |
| Max. Building Height of Accessory Building <a href="#">(L)</a>                                                          | 24                  | Required Buffer & Greenbelt  | <a href="#">(U)</a> <a href="#">(T)</a> |
| Max. Building Height (stories)                                                                                          | -                   |                              |                                         |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |                     |                              |                                         |

## Section 54.315 M, Municipal District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | (C) Special Land Uses                                                                                                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• Accessory Use, Non-Single Family Residential Lots</li> <li>• Agriculture-Like Operation, including Forestry</li> <li>• Cemetery</li> <li>• Farmers' Markets</li> <li>• Food Production, Minor</li> <li>• Fuel Dispensing Uses, including Service Stations</li> <li>• Indoor Recreation</li> <li>• <b>Major Repair and Maintenance Operations</b></li> <li>• Manufacturing, Light – Low Impact</li> <li>• Manufacturing, Light – Medium Impact</li> <li>• Office, Professional</li> <li>• Outdoor Entertainment and Community Events (Principal, Temporary, or Accessory Use)</li> <li>• Outdoor Recreation</li> <li>• Public or Governmental Building</li> <li>• Recreational Use, Public</li> <li>• School, Primary or Secondary</li> <li>• School, University</li> <li>• Small Wind Energy Systems, Roof-Mounted</li> <li>• Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> <li>• <b>Storage, Bulk</b></li> <li>• <b>Storage, Open/Outdoor</b></li> <li>• <b>Warehousing</b></li> <li>• Wireless Telecommunications Facilities</li> </ul> | <ul style="list-style-type: none"> <li>• Off-street Parking Lot</li> <li>• Port Facilities and Docks</li> <li>• Recycling Collection and Transfer Stations</li> <li>• Small Wind Energy Systems, Tower-Mounted</li> <li>• Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.</li> </ul> |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                  |

| (D) Dimensional Regulations                                                                                             |                     |                                     |      |
|-------------------------------------------------------------------------------------------------------------------------|---------------------|-------------------------------------|------|
| <i>Lot, Coverage, and Building Height Standards</i>                                                                     |                     | <i>Minimum Setbacks</i>             |      |
| <i>Min. Lot Area (sq. ft.)</i>                                                                                          | None                | <i>Front Yard (ft.)</i>             | None |
| <i>Min. Lot Width (ft.)</i>                                                                                             | 24                  | <i>Side Yard (one) (ft.)</i>        | None |
| <i>Max. Impervious Surface Coverage (%)</i>                                                                             | <a href="#">(T)</a> | <i>Side Yard (total of 2) (ft.)</i> | None |
| <i>Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a></i>                                               | None                | <i>Rear Yard (ft.)</i>              | None |
| <i>Max. Building Height of Accessory Building <a href="#">(L)</a></i>                                                   | 24                  |                                     |      |
| <i>Max. Building Height (stories)</i>                                                                                   | -                   |                                     |      |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |                     |                                     |      |

## Section 54.316 C, Civic District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | (C) Special Land Uses                                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• Accessory Use, Non-Single Family Residential Lots</li> <li>• Agriculture-Like Operation, including Forestry</li> <li>• Cemetery</li> <li>• Farmers' Markets</li> <li>• Food Production, Minor</li> <li>• Fuel Dispensing Uses, including Service Stations</li> <li>• Indoor Recreation</li> <li>• <b>Major Repair and Maintenance Operations</b></li> <li>• Manufacturing, Light – Low Impact</li> <li>• Office, Professional</li> <li>• Outdoor Entertainment and Community Events (Principal, Temporary, or Accessory Use)</li> <li>• Outdoor Recreation</li> <li>• Public or Governmental Building</li> <li>• Recreational Use, Public</li> <li>• School, Primary or Secondary</li> <li>• School, University</li> <li>• Small Wind Energy Systems, Roof-Mounted</li> <li>• Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> <li>• <b>Storage, Bulk</b></li> <li>• Storage, Open/<b>Outdoor</b></li> <li>• Wireless Telecommunications Facilities</li> </ul> | <ul style="list-style-type: none"> <li>• Manufacturing, Light – Medium Impact</li> <li>• Marihuana Educational Research</li> <li>• Off-street Parking Lot</li> <li>• Port Facilities and Docks</li> <li>• Small Wind Energy Systems, Tower-Mounted</li> <li>• Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.</li> <li>• <b>Warehousing</b></li> </ul> |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                    |

| (D) Dimensional Regulations                                                                                             |                     |                              |                         |
|-------------------------------------------------------------------------------------------------------------------------|---------------------|------------------------------|-------------------------|
| Lot, Coverage, and Building Height Standards                                                                            |                     | Minimum Setbacks             |                         |
| Min. Lot Area (sq. ft.)                                                                                                 | None                | Front Yard (ft.)             | None                    |
| Min. Lot Width (ft.)                                                                                                    | 24                  | Side Yard (one) (ft.)        | 5                       |
| Max. Impervious Surface Coverage (%)                                                                                    | <a href="#">(T)</a> | Side Yard (total of 2) (ft.) | 10                      |
| Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a>                                                      | 60                  | Rear Yard (ft.)              | 20, <a href="#">(U)</a> |
| Max. Building Height of Accessory Building <a href="#">(L)</a>                                                          | 24                  |                              |                         |
| Max. Building Height (stories)                                                                                          | -                   |                              |                         |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |                     |                              |                         |

## Section 54.317 IM, Industrial/Manufacturing District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | (C) Special Land Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Accessory Building or Structure</li> <li>Accessory Use, Non-Single Family Residential Lots</li> <li>Food Production, Minor</li> <li>Fuel Dispensing Uses, including Service Stations</li> <li>Heavy Vehicle/Equipment Sales, Rental, and Display</li> <li>Indoor Recreation</li> <li>Manufacturing, Light – Low Impact</li> <li>Manufacturing, Light – Medium Impact</li> <li>Office, Medical</li> <li>Office, Professional</li> <li>Outdoor Entertainment and Community Events (Temporary)</li> <li>Public or Governmental Building</li> <li>Railroad Facilities</li> <li>Religious Institution</li> <li>Retail Business, Indoor</li> <li>Service Establishment</li> <li>Shooting Range, Indoor</li> <li>Small Wind Energy Systems, Roof-Mounted</li> <li>Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> <li>Storage, Bulk</li> <li>Storage Facility, Self</li> <li>Storage Facility, Self – Accessory Use</li> <li>Storage, Indoor</li> <li>Storage, Indoor – Accessory Use</li> <li>Storage, Open/Outdoor</li> <li>Vehicle Repair and Service</li> <li>Veterinary Clinic (Domestic Animals Only)</li> <li>Warehousing/Storage Facilities</li> <li>Wholesale Trade Establishment</li> <li>Wholesaling Operations</li> <li>Wireless Telecommunications Facilities</li> </ul> | <ul style="list-style-type: none"> <li>Adult Entertainment Uses</li> <li>Major Repair and Maintenance Operations</li> <li>Marihuana Educational Research</li> <li>Marihuana Grower – Class A</li> <li>Marihuana Grower – Class B</li> <li>Marihuana Grower – Class C</li> <li>Marihuana Grower – Excess</li> <li>Marihuana Microbusiness – Class A and Light Manufacturing</li> <li>Marihuana Microbusiness – Heavy Manufacturing</li> <li>Marihuana Processor – Light Manufacturing</li> <li>Marihuana Processor – Heavy Manufacturing</li> <li>Marihuana Retailer</li> <li>Marihuana Safety Compliance Facility</li> <li>Marihuana Secure Transporters</li> <li>Manufacturing, Heavy</li> <li>Natural Resource Extraction and Processing Operations</li> <li>Off-street Parking Lot</li> <li>Pet Boarding Facility</li> <li>Retail Business, Outdoor Permanent</li> <li>Small Wind Energy Systems, Tower-Mounted</li> <li>Storage, Bulk</li> <li>Utility Electrical Power Generation</li> </ul> |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

| (D) Dimensional Regulations                                                                                             |        |                              |        |
|-------------------------------------------------------------------------------------------------------------------------|--------|------------------------------|--------|
| Lot, Coverage, and Building Height Standards                                                                            |        | Minimum Setbacks             |        |
| Min. Lot Area (sq. ft.)                                                                                                 | None   | Front Yard (ft.)             | 40     |
| Min. Lot Width (ft.)                                                                                                    | 24     | Side Yard (one) (ft.)        | 20     |
| Max. Impervious Surface Coverage (%)                                                                                    | (T)    | Side Yard (total of 2) (ft.) | 40     |
| Max. Building Height of Primary Building (ft.) (Q)                                                                      | 80 (P) | Rear Yard (ft.)              | 40 (U) |
| Max. Building Height of Accessory Building (L)                                                                          | 60 (P) | Required Buffer & Greenbelt  | (U, T) |
| Max. Building Height (stories)                                                                                          | -      |                              |        |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |        |                              |        |

## Section 54.318 CR, Conservation and Recreation District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | (C) Special Land Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Accessory Building or Structure</li> <li>Accessory Use, Non-Single Family Residential Lots</li> <li>Agriculture-Like Operation, including Forestry</li> <li>Food Production, Minor</li> <li>Outdoor Entertainment and Community Events (Accessory, Temporary, and Principal)</li> <li>Outdoor Food and Non-Alcoholic Beverage Service</li> <li>Outdoor Recreation</li> <li>Public or Governmental Building</li> <li>Recreational Use, Public</li> <li>Restaurant with Outdoor Food &amp; Non-Alcoholic Beverage Service</li> <li>Small Wind Energy Systems, Roof-Mounted</li> <li>Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>Storage, Open/Outdoor</li> </ul> | <ul style="list-style-type: none"> <li>Natural Resource Extraction and Processing Operations</li> <li>Outdoor Alcoholic Beverage Service</li> <li>Port Facilities and Docks</li> <li>Recreational Use, Land Intensive</li> <li>Restaurant with Outdoor Alcoholic Beverage Service</li> <li>Small Wind Energy Systems, Tower-Mounted</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> <li>Storage, Bulk</li> <li>Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.</li> <li>Wireless Telecommunications Facilities</li> </ul> |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| (D) Dimensional Regulations                                                                                             |                     |                                     |                                              |
|-------------------------------------------------------------------------------------------------------------------------|---------------------|-------------------------------------|----------------------------------------------|
| <i>Lot, Coverage, and Building Height Standards</i>                                                                     |                     | <i>Minimum Setbacks</i>             |                                              |
| <i>Min. Lot Area (sq. ft.)</i>                                                                                          | None                | <i>Front Yard (ft.)</i>             | 15                                           |
| <i>Min. Lot Width (ft.)</i>                                                                                             | 24                  | <i>Side Yard (one) (ft.)</i>        | 50                                           |
| <i>Max. Impervious Surface Coverage (%)</i>                                                                             | <a href="#">(T)</a> | <i>Side Yard (total of 2) (ft.)</i> | 100                                          |
| <i>Max. Building Height of Primary Building (ft.)</i> <a href="#">(Q)</a>                                               | 36.5                | <i>Rear Yard (ft.)</i>              | 20 <a href="#">(R)</a> , <a href="#">(U)</a> |
| <i>Max. Building Height of Accessory Building</i> <a href="#">(L)</a>                                                   | 18                  |                                     |                                              |
| <i>Max. Building Height (stories)</i>                                                                                   | -                   |                                     |                                              |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |                     |                                     |                                              |

## Section 54.319 BLP, Board of Light and Power District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | (C) Special Land Uses                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Accessory Building or Structure</li> <li>Accessory Use, Non-Single Family Residential Lots</li> <li>Agriculture-Like Operation, including Forestry</li> <li>Food Production, Minor</li> <li>Fuel Dispensing Uses, including Service Stations</li> <li>Major Repair and Maintenance Operations</li> <li>Manufacturing, Light – Low Impact</li> <li>Manufacturing, Light – Medium Impact</li> <li>Manufacturing, Heavy</li> <li>Natural Resource Extraction and Processing Operations</li> <li>Outdoor Entertainment and Community Events (Temporary)</li> <li>Outdoor Recreation</li> </ul> | <ul style="list-style-type: none"> <li>Off-street Parking Lot</li> <li>Port Facilities and Docks</li> <li>Recreational Use, Land Intensive</li> <li>Small Wind Energy Systems, Tower-Mounted</li> </ul> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <ul style="list-style-type: none"> <li>• Public or Governmental Building</li> <li>• Recreational Use, Public</li> <li>• Small Wind Energy Systems, Roof-Mounted</li> <li>• Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> <li>• Storage, Bulk</li> <li>• Storage, Open/Outdoor</li> <li>• Utility Electrical Power Generation</li> <li>• Warehousing</li> <li>• Wireless Telecommunications Facilities</li> </ul> |  |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |

| (D) Dimensional Regulations                                                                                             |                     |                                        |                                         |
|-------------------------------------------------------------------------------------------------------------------------|---------------------|----------------------------------------|-----------------------------------------|
| <i>Lot, Coverage, and Building Height Standards</i>                                                                     |                     | <i>Minimum Setbacks</i>                |                                         |
| <i>Min. Lot Area (sq. ft.)</i>                                                                                          | None                | <i>Front Yard (ft.)</i>                | 40                                      |
| <i>Min. Lot Width (ft.)</i>                                                                                             | 24                  | <i>Side Yard (one) (ft.)</i>           | 20                                      |
| <i>Max. Impervious Surface Coverage (%)</i>                                                                             | <a href="#">(T)</a> | <i>Side Yard (total of 2) (ft.)</i>    | 40                                      |
| <i>Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a></i>                                               | None                | <i>Rear Yard (ft.)</i>                 | 40 <a href="#">(U)</a>                  |
| <i>Max. Building Height of Accessory Building <a href="#">(L)</a></i>                                                   | 24                  | <i>Required Buffer &amp; Greenbelt</i> | <a href="#">(U)</a> <a href="#">(T)</a> |
| <i>Max. Building Height (stories)</i>                                                                                   | -                   |                                        |                                         |
| Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail. |                     |                                        |                                         |

## Section 54.322 Third Street Corridor [\(TSC\)](#) District Form-Based Code

### (A) Third Street Corridor District Form-Based Code Introduction.

#### (3) [Applicability and](#) Pre-Existing Conditions

[\(a\)](#) The provisions of this Article apply to all proposals for the development of new principal structures, and to the remodeling of existing structures for changes in land use(s), and/or if the proposal would create a **substantial modification** (see definitions).

[\(b\)](#) ~~(a)~~ Existing buildings and appurtenances that do not conform to the provisions of this Section may continue in use as they are until a **substantial modification** is requested.

[\(c\)](#) ~~(b)~~ The modification of existing buildings is permitted by right if such changes result in greater conformance with the specifications of this Section.

#### (7) The Third Street Regulating Plan

[\(e\)](#) **Bicycle Parking.** Bicycle parking is to be allocated within the entire [TSC district \(both subdistricts\)](#), in accordance with [Section 54.908](#) across the Transect Zones by type, but detailed in quantity and location by land use, demand, and building size.

**(9) Definitions.** The following definitions apply to the Third Street Corridor District only, unless the term has general applicability:

**(ee) Substantial Modification:** an alteration to a building that is valued at more than 50% of the replacement cost of the entire building, if new that is estimated to cost more than 50 percent of the assessed value of the existing building at time of application.

**(mm) Use, Retail:** shall be considered to encompass all of the following:

- (i) Retail Service:** establishments providing services, as opposed to products, to the general public, including restaurants, bars/taverns, finance, real estate and insurance, travel agencies, health and educational services, galleries, and temporary storage of recreational equipment, provided that the temporary storage is ancillary to the primary retail service.
- (ii) Retail Specialty:** Include, but are not limited to the sale of gifts, antiques, flowers, books, jewelry, wearing apparel or craft shops making articles exclusively for sale at retail on the premises.
- (iii) Retail Trade:** Establishments engaged in selling new goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**(B) Third Street Corridor Form-Based Code Parcel Standards.**

**(7) Use.** Buildings, as the primary element of town planning, are subject to variations in use, placement and configuration.

**Figure 24. TSC Table of Permitted Land Uses and Special Land Uses in the TSC District**

| USE                                                                              | T4 | T5 | USE                                                       | T4 | T5 |
|----------------------------------------------------------------------------------|----|----|-----------------------------------------------------------|----|----|
| <b>A. RESIDENTIAL</b>                                                            |    |    | <b>E. INSTITUTIONAL</b>                                   |    |    |
| Mixed-use building                                                               | P  | P  | Conference center                                         |    | P  |
| Multi-family dwelling ( <a href="#">Section 54.616 &amp; 54.403(E)</a> )         | P  | P  | Live theater                                              | S  | P  |
| Live-work unit ( <a href="#">Section 54.615</a> )                                | P  | P  | Movie theater                                             | S  | P  |
| Two-family dwelling ( <a href="#">Sections 54.613 &amp; 54.403 (C &amp; D)</a> ) | P  | P  | Museum                                                    | P  | P  |
| Townhouse                                                                        | P  | P  | Religious assembly ( <a href="#">Section 54.642</a> )     | P  | P  |
| Single-family dwelling ( <a href="#">Section 54.617</a> )                        | P  | P  | <b>F. AUTOMOTIVE</b>                                      |    |    |
| Group day care home ( <a href="#">Section 54.608</a> )                           | P  | P  | Gasoline                                                  | P  | P  |
| Foster family home                                                               | S  | S  | Service                                                   | P  | P  |
| Halfway house ( <a href="#">Section 54.620</a> )                                 | S  | S  | Sales                                                     | P  | P  |
| Home occupation ( <a href="#">Section 54.621</a> )                               | P  | P  | Truck maintenance ( <a href="#">Section 54.627</a> )      |    |    |
| Home office ( <a href="#">Section 54.622</a> )                                   | P  | P  | Drive-through facility ( <a href="#">Section 54.611</a> ) | P  | P  |
| Dwelling, Intentional Community ( <a href="#">Section 54.614</a> )               | S  | S  | <b>G. CIVIL SUPPORT</b>                                   |    |    |
| Family Day Care Home                                                             | P  | P  | Funeral home                                              | P  | P  |
| Adult Foster Care Family Home                                                    | P  | P  | Hospital ( <a href="#">Section 54.625</a> )               |    | S  |
| Domestic Violence Shelter ( <a href="#">Section 54.610</a> )                     | S  | S  | Medical and Dental clinic or office                       | P  | P  |
| <b>B. LODGING</b>                                                                |    |    | Veterinary clinic                                         | P  | P  |
| Hotel or Motel                                                                   | S  | P  | Pet boarding facility                                     | S  | S  |
| Bed & Breakfast Inn (up to 12 rooms) ( <a href="#">Section 54.604</a> )          | P  | P  | Cemetery ( <a href="#">Section 54.606</a> )               | S  | S  |
| Bed & Breakfast (up to 6 rooms) ( <a href="#">Section 54.603</a> )               | P  | P  | Public or Governmental Building                           | P  | P  |
| Rooming Houses and Hostels ( <a href="#">Section 54.644</a> )                    | S  | S  | Recreational Use, Public                                  | S  | S  |
| Hospital Hospitality Houses ( <a href="#">Section 54.626</a> )                   | S  | S  | <b>H. EDUCATION</b>                                       |    |    |
| Homestays and Vacation Home Rentals ( <a href="#">Section 54.624</a> )           | P  | P  | High school                                               | S  | S  |
| <b>C. OFFICE</b>                                                                 |    |    | Elementary school                                         | P  | P  |
| Office building ( <a href="#">Section 54.634</a> )                               | P  | P  | Day care center ( <a href="#">Section 54.609</a> )        | P  | P  |
| Mixed-use building                                                               | P  | P  | <b>I. INDUSTRIAL</b>                                      |    |    |



|                                                                                                                                   |          |          |                                                                                                                                                   |                  |   |
|-----------------------------------------------------------------------------------------------------------------------------------|----------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---|
| Live-work unit ( <a href="#">Section 54.615</a> )                                                                                 | P        | P        | Heavy industrial facility ( <a href="#">Section 54.627</a> )                                                                                      |                  |   |
| <b>D. RETAIL</b>                                                                                                                  |          |          | Light industrial facility ( <a href="#">Section 54.627</a> )                                                                                      | S                | S |
| Outdoor Entertainment and Community Events (Temporary Use) ( <a href="#">Section 54.635(B)</a> )                                  | P        | P        | Laboratory facility                                                                                                                               | S                | S |
| Outdoor Entertainment and Community Events (Accessory or Principal Use) ( <a href="#">Section 54.636(C) or (D)</a> )              | S        | S        | Mini-storage                                                                                                                                      |                  | S |
| Gallery                                                                                                                           | P        | P        | Marihuana Safety Compliance Facility ( <a href="#">Section 54.629</a> )                                                                           | S                | S |
| Restaurant, Indoor Service and with or without Outdoor Food and Non-Alcoholic Beverage Service ( <a href="#">Section 54.638</a> ) | P        | P        | Warehouse                                                                                                                                         | S                | S |
| Restaurant, with Outdoor Alcoholic Beverage Service ( <a href="#">Section 54.637</a> )                                            | P        | P        | <b>J. OTHER USES</b>                                                                                                                              |                  |   |
| Outdoor Alcoholic Beverage Service( <a href="#">Section 54.637</a> )                                                              | S        | S        | Accessory Building or Structure (See <a href="#">Figure 14</a> , <a href="#">Figure 15</a> , and, as applicable, <a href="#">Section 54.705</a> ) | P                | P |
| Outdoor Food & Non-Alcoholic Beverage Service ( <a href="#">Section 54.638</a> )                                                  | P        | P        | Accessory Use, Non-Single Family Residential Lots                                                                                                 | P                | P |
| Retail building                                                                                                                   | P        | P        | Accessory Use, Single-Family Residential Lots                                                                                                     | P                | P |
| Mixed-use building                                                                                                                | P        | P        | Commercial Service Establishment                                                                                                                  | P                | P |
| Open/outdoor market building                                                                                                      | P        | P        | Food Production, Minor                                                                                                                            | P                | P |
| Retail Sales, Outdoor Temporary ( <a href="#">Section 54.639</a> )                                                                | P        | P        | Marihuana Education Research ( <a href="#">Section 54.629</a> )                                                                                   | S                | S |
| Indoor Recreation                                                                                                                 | P        | P        | Off-street Parking Lot                                                                                                                            | S                | S |
| Farmers' Markets ( <a href="#">Section 54.618</a> )                                                                               | P        | P        | Outdoor Recreation                                                                                                                                | S                | S |
| Kiosk                                                                                                                             | P        | P        | Solar Energy Systems <20kw – Accessory Use                                                                                                        | P                | P |
| Push cart                                                                                                                         | P        | P        | Wireless Telecommunications Facilities                                                                                                            | S                | S |
| Marihuana Retailer ( <a href="#">Section 54.629</a> )                                                                             |          | S        | ( <a href="#">Section 54.648</a> )                                                                                                                |                  |   |
| <b>Bar/Tavern</b>                                                                                                                 | <b>P</b> | <b>P</b> |                                                                                                                                                   | Permitted Use    | P |
| <b>Sidewalk café on private property</b>                                                                                          | <b>P</b> | <b>P</b> |                                                                                                                                                   | Special Land Use | S |

### (C) Third Street Corridor Form-Based Code Parcel Standards.

#### (3) Building Specifications: Frontage Requirements

- (d) *Frontages* are divided into the following types: porch, *stoop*, *terrace*, common entry, forecourt, and *shopfront*.
- (e) The Zoning Administrator shall designate which frontage type corresponds to the building(s) on the site or are proposed to be built, and the site shall comply with the standards for that type when new construction or substantial rehabilitation is proposed.
- (i) Frontage types are limited by transect zone according to [Figure 18](#), [Figure 19](#), and [Figure 20](#).
- (ii) A *shopfront* frontage is required for all ground floor retail uses. *Shopfronts* may be combined with *terraces* and *forecourts*.
- (iii) Existing buildings that do not meet one of the frontage types do not have to be remodeled to a different type if it is not reasonable, as determined by the Zoning Administrator.
- (f) Where buildings have multiple *frontages* or multiple buildings are located on one lot, similar frontage types should be selected for all *frontages*.

#### (11) Landscape Standards

##### (b) Landscape Design Standards Applicable to All Sub-Districts.

- (iii) Proposed trees shall be a minimum height of ten (10) feet and / or ~~three (3)~~ **one and one half (1.5)** inches in caliper.
- (iv) Proposed understory trees shall be a minimum of eight (8) feet in height and/ or ~~two and one-half (2-1/2)~~ **one and one half (1.5)** inches in caliper.
- (g) **Specific to neighborhood edges:**
- (i) A landscape buffer located along common property lines shall be required between Third Street Corridor District properties and the residential properties adjacent. The landscape buffer shall be a minimum of five feet wide.
- a. Minimum of three (3) trees shall be planted within the side and rear setbacks for every 500 square feet of landscape buffer.



- b. Shrubs shall be five (5) gallon container and twenty-four (24) inches height minimum, and of a type that, at maturity, will provide a continuous opaque screen at least thirty-six (36) inches in height.
- c. Trees shall be four (4) **one and one half (1.5)** inches caliper minimum, or in the case of evergreen trees, twelve (12) feet minimum height

**Figure 28. TSC Bicycle Parking Calculations**

| This table prescribes minimum short-term bicycle parking calculations within each Transect Zone assigned to the Third Street Corridor. The calculations assume not just current but future possible bicycle mode share, not to exceed 5%. Requirements may be met within the Public <i>Frontage</i> , Private <i>Frontage</i> , building envelope, or a combination thereof. Bicycle parking provided within the Public <i>Frontage</i> must receive Administrative Approval. |                                                                         |                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-------------------------------------------------------------------------|
| SHORT-TERM BICYCLE PARKING                                                                                                                                                                                                                                                                                                                                                                                                                                                    | T4                                                                      | T5                                                                      |
| RESIDENTIAL: Single-Family                                                                                                                                                                                                                                                                                                                                                                                                                                                    | No spaces required                                                      | n/a                                                                     |
| RESIDENTIAL: Multi-Family w/ Private Garage Space for Each Unit                                                                                                                                                                                                                                                                                                                                                                                                               | Minimum of 2 spaces                                                     | Minimum of 2 spaces + 0.05 spaces / bedroom                             |
| RESIDENTIAL: Multi-Family w/o Private Garage Space for Each Unit                                                                                                                                                                                                                                                                                                                                                                                                              | Minimum of 2 spaces + 0.05 spaces / bedroom                             | Minimum of 2 spaces + 0.05 spaces / bedroom                             |
| LODGING                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Minimum of 2 spaces + 1 add'l space / 10,000 sq. ft. of floor area      | Minimum of 2 spaces + 1 add'l space / 10,000 sq. ft. of floor area      |
| OFFICE                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Minimum of 2 spaces + 1 add'l space / 10,000 sq. ft. of floor area      | Minimum of 2 spaces + 1 add'l space / 5,000 sq. ft. of floor area       |
| RETAIL                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Minimum of 2 spaces + 1 additional space / 5,000 sq. ft. of floor area  | Minimum of 2 spaces + 1 additional space / 2,500 sq. ft. of floor area  |
| RESTAURANT                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Minimum of 2 spaces + 1 additional space / 5,000 sq. ft. of floor area  | Minimum of 2 spaces + 1 additional space / 2,500 sq. ft. of floor area  |
| ENTERTAINMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Minimum of 2 spaces + 1 add'l space / 10,000 sq. ft. of floor area      | Minimum of 2 spaces + 1 additional space / 5,000 sq. ft. of floor area  |
| CIVIC: Non-assembly                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Minimum of 2 spaces + 1 add'l space / 10,000 sq. ft. of floor area      | Minimum of 2 spaces + 1 add'l space / 10,000 sq. ft. of floor area      |
| CIVIC: Assembly                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Spaces for 2% of max. expected attendance                               | Spaces for 2% of maximum expected attendance                            |
| LONG-TERM BICYCLE PARKING                                                                                                                                                                                                                                                                                                                                                                                                                                                     | T4                                                                      | T5                                                                      |
| RESIDENTIAL: Single-Family                                                                                                                                                                                                                                                                                                                                                                                                                                                    | No spaces required                                                      | n/a                                                                     |
| RESIDENTIAL: Multi-Family w/ Private Garage Space for Each Unit                                                                                                                                                                                                                                                                                                                                                                                                               | No spaces required                                                      | Minimum of 2 spaces + 0.05 spaces / bedroom                             |
| RESIDENTIAL: Multi-Family w/o Private Garage Space for Each Unit                                                                                                                                                                                                                                                                                                                                                                                                              | Minimum of 2 spaces + 0.5 spaces / bedroom                              | Minimum of 2 spaces + 0.05 spaces / bedroom                             |
| LODGING                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Minimum of 2 spaces + 1 additional space / 10,000 sq. ft. of floor area | Minimum of 2 spaces + 1 additional space / 10,000 sq. ft. of floor area |
| OFFICE                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Minimum of 2 spaces + 1 space / 10 employees                            | Minimum of 2 spaces + 1 space / 10 employees                            |
| RETAIL                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Minimum of 2 spaces + 1 space / 10 employees                            | Minimum of 2 spaces + 1 space / 10 employees                            |
| RESTAURANT                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Minimum of 2 spaces + 1 space / 10 employees                            | Minimum of 2 spaces + 1 space / 10 employees                            |
| ENTERTAINMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Minimum of 2 spaces + 1 space / 10 employees                            | Minimum of 2 spaces + 1 space / 10 employees                            |

|                     |                                              |                                              |
|---------------------|----------------------------------------------|----------------------------------------------|
| CIVIC: Non-assembly | Minimum of 2 spaces + 1 space / 10 employees | Minimum of 2 spaces + 1 space / 10 employees |
| CIVIC: Assembly     | Minimum of 2 spaces + 1 space / 20 employees | Minimum of 2 spaces + 1 space / 20 employees |

**Figure 29. TSC Bicycle Parking Types**

This table shows five common types of Bicycle Parking facilities appropriate for the Third Street Corridor and includes basic design/performance standards. Please reference the Association for Pedestrian and Bicycle Professionals Bicycle Parking Guide for more detailed design and placement guidance.

| Parking Type                                                                                                                       | T4 | T5 | Standards                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------------------|----|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Bicycle Rack</b><br>                           | P  | P  | Bicycle Racks shall be capable of securing bicycles with at least two points of contact. Simple, easily identifiable forms, like the In-verted U-rack (shown at left) should be used. Racks may be placed in the <i>private frontage</i> , public <i>frontage</i> (including within an in-street <i>Bicycle Corral</i> ), or within buildings where appropriate.                        |
| <b>Bicycle Rack (decorative, public art)</b><br> | A  | P  | Decorative racks shall be recognizable as bicycle parking facilities and shall be held to the same performance standards as other bicycle racks. Such racks may be provided for and designed to enhance civic buildings, <i>civic spaces</i> , and other locations of historic, social, or cultural importance.                                                                         |
| <b>Bicycle Shelter</b><br>                      | A  | P  | <i>Bicycle Shelters</i> shall be highly recognizable and integrated with transit, parks, trailheads, and/or land uses requiring medium or long-term bicycle parking needs. Each shelter shall include bicycle parking racks capable of securing bicycles with at least two points of contact, and may include other bicycling amenities, such as wayfinding maps/signs, air pumps, etc. |
| <b>Bicycle Locker</b><br>                       | A  | P  | <i>Bicycle Lockers</i> shall be placed in highly visible and well-lit locations, but should not disrupt the function, safety and order of the public realm. They should be associated with land uses and transportation facilities where long-term parking is required.                                                                                                                 |

|                                                                                                                 |   |   |                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------|---|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>Bicycle Sharing</i></p>  | P | P | <p><i>Bicycle sharing</i> stations should be located in highly viable locations, adjacent to existing or proposed transit stops, employment centers, or popular destinations. Stations should be spaced every few <i>blocks</i> so that access remains convenient.</p> |
|-----------------------------------------------------------------------------------------------------------------|---|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## Section 54.323 PUD, Planned Unit Development District

- (c) Minimum Size.** The minimum size of a PUD must be two (2) acres of contiguous land or multiple parcels under the same ownership within one-quarter mile of each other, measured by nearest property lines that are a total of two (2) acres. However, the City Commission, upon recommendation from the Planning Commission, may permit approval of a smaller PUD under the following circumstances:

- ~~(1) The proposed project has unique characteristics and benefits; and/or~~
- ~~(2) The parcel in question has unique characteristics that significantly impact development, such as unusual topography, tree stands, wetlands, poor soil conditions on portions of the parcel, water courses, unusual shape or proportions, or utility easements that cross the parcel.~~

In such case, the applicant must submit a letter to the City requesting a waiver of the minimum PUD size requirements. The request must be submitted at the time of the submittal of Concept and Request for Consideration of Project Qualifications ([Section 54.323\(G\)](#)). The Planning Commission shall review the request and make a recommendation to the City Commission. The City Commission shall make the final decision concerning a request to waive the PUD size requirements.

- (1) Waiver of Minimum Size.** The Planning Commission may recommend approval of a smaller PUD ((under two (2) acres)) to the City Commission under the following circumstances:
  - (a)** The proposed project has the potential for specific benefits/improvements in the proposed project area related to combining the parcels in question as a PUD, and
  - (b)** The parcel(s) in question has/have unique characteristics that significantly impact development - such as unusual topography, wetlands, water courses, poor soil conditions on portions of the parcel, unusual shape or proportions, or easements that cross the parcel(s).
- (2) Waiver Process.** The applicant must submit to the Planning Commission a written explanation of their reasons for requesting a waiver of the minimum PUD size requirements, with the submittal of Concept and Request for Consideration of Project Qualifications ([Section 54.323\(G\)](#)). The Planning Commission shall review the request and make a recommendation to the City Commission. The City Commission shall decide on a request to waive the PUD size requirements.

## SECTION 3. Article 4 Schedule of Regulations

Chapter 54 – LAND DEVELOPMENT CODE, Article 4 – Schedule of Regulations is hereby amended as follows:

## Article 4 Schedule of Regulations

### Section 54.402 Schedule of Regulations

| Zoning District                                                                            | Minimum Lot Dimensions                |                                    | Minimum Setback Requirements <del>(L, T)</del>      |                                                        |                                                        |                                                                          | Maximum Height of Structures <del>(Q)</del>              |                           | Maximum Impervious Surface Coverage of the Lot |
|--------------------------------------------------------------------------------------------|---------------------------------------|------------------------------------|-----------------------------------------------------|--------------------------------------------------------|--------------------------------------------------------|--------------------------------------------------------------------------|----------------------------------------------------------|---------------------------|------------------------------------------------|
|                                                                                            | Size (sq. ft.)                        | Width (feet)                       | Front Yard (feet)                                   | Side Yards (feet)                                      |                                                        | Rear Yard (feet)                                                         | Primary Building (feet)                                  | Accessory Building (feet) |                                                |
| LDR, Low Density Residential 1-2 Units and other uses identified in 54.307                 | 8,100                                 | 60                                 | 20, <del>(B)</del>                                  | 10 <del>(L)</del>                                      | 20 <del>(L)</del>                                      | <del>20</del><br>30 <del>(L)</del><br><del>(U)</del>                     | <del>44</del> <del>(V)</del><br>31.5                     | <del>(L)</del>            | <del>(S)</del>                                 |
| LDR, Low Density Residential 3-4 Dwelling Units                                            | 9,000 <del>(E)</del>                  | 75 <del>(E)</del>                  | 20 <del>(B)</del>                                   | 10 <del>(H)</del> ,<br><del>(L)</del>                  | 20 <del>(H)</del> ,<br><del>(L)</del>                  | 30 <del>(H)</del> ,<br><del>(L)</del> , <del>(U)</del>                   | <del>44</del> <del>(V)</del><br>31.5                     | <del>(L)</del>            | <del>(S)</del>                                 |
| MDR, Medium Density Residential 1 Unit and other uses identified in 54.308                 | 4,500                                 | 37.5                               | 15 <del>(A)</del> ,<br><del>(B)</del>               | 5 <del>(L)</del>                                       | 13 <del>(L)</del>                                      | 20 <del>(L)</del><br><del>(U)</del>                                      | <del>44</del> <del>(V)</del><br>31.5                     | <del>(L)</del>            | <del>(S)</del>                                 |
| MDR, Medium Density Residential 2 Dwelling Units                                           | 6,000 <del>(C)</del>                  | 50 <del>(D)</del>                  | 15 <del>(A)</del> ,<br><del>(B)</del>               | <del>5</del> 10 <del>(L)</del>                         | <del>13</del> 20 <del>(L)</del>                        | 20 <del>(L)</del><br><del>(U)</del>                                      | <del>44</del> <del>(V)</del><br>31.5                     | <del>(L)</del>            | <del>(S)</del>                                 |
| MDR, Medium Density Residential 3-4 Dwelling Units                                         | 9,000 <del>(E)</del>                  | 75 <del>(E)</del>                  | 15 <del>(A)</del>                                   | 10 <del>(H)</del> ,<br><del>(L)</del>                  | 20 <del>(H)</del> ,<br><del>(L)</del>                  | 30 <del>(H)</del> ,<br><del>(L)</del> , <del>(U)</del>                   | <del>44</del> <del>(V)</del><br>31.5                     | <del>(L)</del>            | <del>(S)</del>                                 |
| MFR, Multi-Family Residential 1-2 Units                                                    | 6,000 <del>(C)</del>                  | 50 <del>(D)</del>                  | 15                                                  | <del>5</del> 10 <del>(L)</del>                         | <del>13</del> 20 <del>(L)</del>                        | <del>20</del><br>30 <del>(L)</del><br><del>(U)</del>                     | <del>44</del> <del>(V)</del><br>31.5                     | <del>(L)</del>            | <del>(S)</del>                                 |
| MFR, Multi-Family Residential 3-4 Units and other uses identified in 54.309 <del>(K)</del> | 9,000 <del>(E)</del>                  | 75 <del>(E)</del>                  | 15 <del>(A)</del>                                   | 10 <del>(H)</del> ,<br><del>(L)</del> , <del>(M)</del> | 20 <del>(H)</del> , <del>(L)</del> ,<br><del>(M)</del> | 30 <del>(H)</del> ,<br><del>(L)</del> , <del>(M)</del><br><del>(U)</del> | <del>48</del><br>36.5<br><del>(M)</del> , <del>(N)</del> | <del>(L)</del>            | <del>(S) or (T)</del>                          |
| MFR, Multi-Family Residential 5+ Multiple Family Units <del>(K)</del>                      | 15,000                                | 100                                | 15 <del>(A)</del>                                   | 15 <del>(H)</del> ,<br><del>(L)</del> , <del>(M)</del> | 30 <del>(H)</del> , <del>(L)</del> ,<br><del>(M)</del> | 30 <del>(H)</del> ,<br><del>(L)</del> , <del>(M)</del><br><del>(U)</del> | <del>48</del><br>36.5<br><del>(M)</del> , <del>(N)</del> | <del>(L)</del>            | <del>(S)</del>                                 |
| MHP, Mobile Home District                                                                  | See <u>Section 54.631</u>             |                                    |                                                     |                                                        |                                                        |                                                                          |                                                          |                           |                                                |
| M-U, Mixed-Use                                                                             | 4,800 <del>(C)</del> , <del>(E)</del> | 40 <del>(D)</del> , <del>(E)</del> | 0 <del>(E)</del> , <del>(F)</del><br><del>(G)</del> | 5 <del>(L)</del> ,<br><del>(L)</del> , <del>(N)</del>  | 13 <del>(L)</del> ,<br><del>(L)</del> , <del>(N)</del> | 20 <del>(L)</del> ,<br><del>(L)</del> , <del>(N)</del><br><del>(U)</del> | 44 <del>48</del><br><del>(N)</del>                       | <del>(L)</del>            | <del>(S) or (T)</del>                          |
| CBD, Central Business District                                                             | None                                  | 24                                 | 0                                                   | 5 <del>(L)</del>                                       | 10 <del>(L)</del>                                      | 10 <del>(L)</del><br><del>(U)</del>                                      | 74 <del>(Q)</del>                                        | <del>(L)</del>            | <del>(S) or (T)</del>                          |
| GC, General Commercial                                                                     | None                                  | 24                                 | 0 <del>(F)</del> , <del>(G)</del>                   | 15 <del>(L)</del>                                      | 30 <del>(L)</del>                                      | 20, <del>(U)</del>                                                       | 40                                                       | <del>(L)</del>            | <del>(S)</del> , <del>(T)</del>                |
| RC, Regional Commercial                                                                    | None                                  | 24                                 | 30                                                  | 15                                                     | 30                                                     | 20, <del>(U)</del>                                                       | 40                                                       | <del>(L)</del>            | <del>(S)</del> , <del>(T)</del>                |
| M, Municipal                                                                               | None                                  | 24                                 | None                                                | None                                                   | None                                                   | None                                                                     | None                                                     | <del>(L)</del>            | <del>(S)</del> , <del>(T)</del>                |
| C, Civic                                                                                   | None                                  | 24                                 | None                                                | 5                                                      | 10                                                     | 20, <del>(U)</del>                                                       | 60                                                       | <del>(L)</del>            | <del>(S)</del> , <del>(T)</del>                |

| Zoning District                                                                              | Minimum Lot Dimensions |              | Minimum Setback Requirements ( <u>U</u> <u>T</u> ) |                   |                    |                             | Maximum Height of Structures ( <u>Q</u> ) |                           | Maximum Impervious Surface Coverage of the Lot |
|----------------------------------------------------------------------------------------------|------------------------|--------------|----------------------------------------------------|-------------------|--------------------|-----------------------------|-------------------------------------------|---------------------------|------------------------------------------------|
|                                                                                              | Size (sq. ft.)         | Width (feet) | Front Yard (feet)                                  | Side Yards (feet) |                    | Rear Yard (feet)            | Primary Building (feet)                   | Accessory Building (feet) |                                                |
|                                                                                              |                        |              |                                                    | Smallest Side     | Total of Two Sides |                             |                                           |                           |                                                |
| IM, Industrial/Manufacturing                                                                 | None                   | 24           | 40                                                 | 20                | 40                 | 40, <u>(U)</u>              | 80 <u>(P)</u>                             | <u>(L)</u> <u>(P)</u>     | <u>(S)</u> <del>(T)</del>                      |
| CR, Conservation/Recreation                                                                  | None                   | 24           | 15                                                 | 50                | 100                | 20 <u>(R)</u><br><u>(U)</u> | 36.5                                      | <u>(L)</u>                | <u>(S)</u> <del>(T)</del>                      |
| BLP, Board of Light and Power                                                                | None                   | 24           | 40                                                 | 20                | 40                 | 40, <u>(U)</u>              | None                                      | <u>(L)</u>                | <u>(S)</u> <del>(T)</del>                      |
| Marquette Downtown Waterfront District Form-Based Code (see <a href="#">Section 54.321</a> ) |                        |              |                                                    |                   |                    |                             |                                           |                           |                                                |
| Third Street Corridor Form-Based Code (see <a href="#">Section 54.322</a> )                  |                        |              |                                                    |                   |                    |                             |                                           |                           |                                                |

## Section 54.403 Footnotes to Schedule of Regulations

- (A) **Permitted Front Yard Setback Encroachments in the MDR and MFR Districts.** In the MDR and MFR districts, open front porches may encroach into the required front yard setback, provided the encroaching porch is for the first story only and is setback at least five (5) feet from the front lot line.
- (B) **Reduced Minimum Front Yard Setback in the LDR and MDR Districts.** If the average front yard setback of the principal buildings on the same block are less than the minimum front yard setback of the district, the minimum front yard setback of a subject lot in the LDR district or MDR district may be reduced to that average, provided the principal buildings used in the average are on the same side of the street and on the same block as the subject lot.
- (C) **Minimum Lot Area for Two-Family Dwellings (Duplexes) in the MDR, M-U, TSC, and MFR Districts.** In the MDR, M-U, TSC, and MFR District, the minimum lot area for a two-family dwelling (duplexes) is 6,000 sq. feet.
- (D) **Minimum Lot Width for Two-Family Dwellings (Duplexes) in the MDR M-U, TSC, and MFR Districts.** In the MDR, M-U, TSC, and the MFR District, the minimum lot width for a two-family dwelling (duplex) is 50 feet.
- (E) **Minimum Lot Area and Width for Three Family and Four Family Dwellings in the M-U, TSC, and MFR Districts.**
- (1) In the MDR, M-U, TSC, and the MFR District, the minimum lot area for a three-family and four family dwellings is 9,000 sq. feet.
  - (2) In the MDR, M-U, TSC, and the MFR District, the minimum lot width for a three-family and four family dwellings is 75 feet.
- (F) **Minimum Front Yard Setback in the M-U and GC Districts.** In the M-U and GC districts, the minimum front yard setback is 0 ft. if there is at least a 10-foot distance between the front lot line and the curb/edge of the street. If there is not at least a 10-foot distance between the front lot line and the curb/edge of the street in these districts, the minimum front yard setback shall be increased accordingly so that the minimum separation distance between a structure and the curb/edge of the street is at least ten (10) feet.

- (G) **Maximum Front Yard Parking in the M-U and GC Districts.** Although there are no maximum front yard setbacks in the M-U and GC districts, refer to [Article 9](#) for the maximum allowable parking in the front yard of the M-U ([Section 54.902\(E\)\(3\)](#)) and GC ([Section 54.902\(E\)\(4\)](#)) districts.
- (H) **Separation Distance of Multiple-Family Structures.** The proposed separation distance between buildings must be determined to comply with the Michigan Building Codes and meet all other requirements for fire safety and maintenance of structures. These requirements must be established before submitting preliminary or final site plans for City approval.
- (I) **Reduced Side Yard Setbacks in the M-U, CBD, and GC Districts.** In the M-U, CBD, and GC districts the side yards may be eliminated under the following conditions:
- (1) The side walls are of fireproof construction and are wholly without opening.
  - (2) The zoning of the adjacent property is M-U, CBD, GC, Marquette Downtown Waterfront District, or Third Street Corridor District.
- (J) **Modified Rear Yard Setbacks in the M-U and CBD Districts.** In the M-U and CBD districts the required rear yard may be measured from the center of an alley abutting the rear lot line, provided the structure is not located in the alley.
- (K) **Each parcel in the MFR district that contains a multiple-family residential use shall have:**
- (1) A maximum lot coverage ratio of 0.50.
  - (2) Minimum outdoor livability space of 0.30.
- (L) **Accessory Buildings and Structures.** For accessory buildings and structures, additional requirements for side yard setbacks, rear yard setbacks, and height are in [Section 54.705](#).
- (M) **Height Exceptions and Increased Setbacks for Multiple-Family 5+ Dwelling Buildings in the MFR District.** For multiple-family buildings in the MFR District, the height may be increased above 36.5 feet to a maximum of 44 **48** feet provided that 1 foot shall be added to all of the minimum yard setbacks for each 1 foot that the building exceeds 36.5 feet in height.
- (N) **Height Exceptions and Increased Setbacks for Principal Buildings in the MFR and M-U Districts.** If the subject lot is adjacent to a lot zoned LDR, MDR, C, or CR, any portion of the building higher than 36.5 feet must be setback at least 8 feet from a minimum front yard setback line and at least 10 feet from any other minimum yard setback line. The maximum height allowed is 44 **48** feet.
- (O) **Height Bonus for Residential Use Inclusion in the Central Business District.** A building may exceed a building height of 74 feet to a maximum of 84 feet, only if it is designed to include at least four (4) residential dwelling units that are – in total square feet of area – at least equivalent to the extent of the footprint of the ground floor of the building in square feet.
- (P) **Modified Height and Setback Requirements in the IM District.** The Planning Commission may permit via special land use approval a greater height than the maximum allowed in the schedule of regulations in the IM district, provided that the front, side, and rear yards specified in [Section 54.402](#) and [Article 6](#) are increased by one (1) foot for each foot of building height that exceeds the maximum allowed. However, in no case shall the height of any structure in the IM district exceed the horizontal setback distance from the structure to a lot line; where the property abuts



a right-of-way, up to 1/2 width of said right-of-way may be used in calculation the required yard; in no instance may the yard be less than the minimum specified in [Section 54.402](#), and for accessory structures as specified in [Section 54.705](#).

- (Q) **Height Exemptions.** There shall be no height restriction on chimneys, flagpoles, public monuments, and wireless telecommunications facilities except when they are part of a special land use. Items attached to a building such as chimneys, weather vanes, lightning arrestors, etc. may be exempt as well.
- (R) **Increased Rear Yard Setbacks for the CR District.** The CR district has a minimum rear yard setback of 50 feet from the ordinary high water mark of Lake Superior.

- ~~(S) **Maximum Impervious Surface Coverage of a Lot in the LDR and MDR Districts, and single-family and two-family dwelling units in other zoning districts:**~~ The maximum impervious surface coverage of a lot in the LDR and MDR Districts, and single-family and two-family uses in all other zoning districts shall be based on the lot areas as follows:

| Maximum Impervious Surface Coverage Based on Lot Area                           |
|---------------------------------------------------------------------------------|
| 60% of the lot area up to 8,712 sq. ft. (1/5 acre or less);                     |
| 50% of the area of the lot between 8,713 sq. ft. and 21,780 sq. ft. (1/2 acre); |
| 40% of the area of the lot between 21,781 sq. ft. and 43,560 sq. ft. (1 acre);  |
| 30% of the area of the lot over 1 acre                                          |

- ~~(S T) **Storm Water Management.**~~ For all uses except Single-family and Two-family dwelling units, please refer to Section 54.803 Storm Water Management. For Single-family and Two-family dwelling units, please refer to item S above.

- (1) For single-family and two-family dwelling units:

- (a) **Maximum Impervious Surface Coverage of a Lot in the LDR and MDR Districts, and single-family and two-family dwelling units in other zoning districts:** The maximum impervious surface coverage of a lot in the LDR and MDR Districts, and single-family and two-family uses in all other zoning districts shall be based on the lot areas as follows:

**FIGURE XX. Maximum Impervious Surface Coverage for one and two-family dwelling units**

| Maximum Impervious Surface Coverage Based on Lot Area                           |
|---------------------------------------------------------------------------------|
| 60% of the lot area up to 8,712 sq. ft. (1/5 acre or less);                     |
| 50% of the area of the lot between 8,713 sq. ft. and 21,780 sq. ft. (1/2 acre); |
| 40% of the area of the lot between 21,781 sq. ft. and 43,560 sq. ft. (1 acre);  |
| 30% of the area of the lot over 1 acre                                          |

- (2) For all uses except Single-family and Two-family dwelling units, please refer to [Section 54.803](#) Storm Water Management.
- (3) Rain gutters and downspouts may be required on new/reconstructed buildings to prevent stormwater runoff to adjoining private properties. They shall be installed where the finished grade will slope down from the closest wall of the new/reconstructed building to the adjoining property, with flow from the downspout directed to into the same property (e.g. into a rain barrel, a French drain, or to a transverse conduit leading to a location where stormwater will percolate into the original property).

- ~~(U T)~~ **Landscape Buffer and Greenbelt Requirements.** The minimum setbacks vary in accordance

with the landscape buffer and greenbelt standards of [Section 54.1003\(D\)](#).

**(U) Corner Lots.** Corner lots will have a reduced rear yard setback, to match that of the largest required side yard setback dimension for the zoning district that is necessary to meet the total of two sides requirement for that zoning district. For example, if the total (2-side) side yard setback requirement is 13 feet per [Sec. 54.402](#), and the smallest side yard setback must be at least 5 ft. (as in MDR districts), then the *rear yard dimension for a corner lot* will be the difference between 13 ft. and the calculated dimension for the actual smallest side yard setback – which would be 8 ft. if the smallest side yard setback from the main structure is calculated to be 5 feet (Note: It is important to note that should the existing structure's side yard setback be less than 5 feet, that side yard will still be designated as the minimum setback at 5 feet.)

**(V) Height Exceptions and Increased Setbacks for Principal Buildings.** For principal buildings, the height may be increased above 31.5 feet to a maximum of 44 feet provided that 0.25 foot for lot widths under 75 feet and 0.50 foot for lot widths 75 feet or greater shall be added to all of the minimum yard setbacks for each 1 foot that the building exceeds 31.5 feet in height.

## **SECTION 4. Article 5 – Supplemental Zoning District Standards**

**Chapter 54 – LAND DEVELOPMENT CODE, Article 5 – Supplemental Zoning District Standards is hereby amended as follows:**

### **Article 5 Supplemental Zoning District Standards**

#### **Section 54.501 Subdivision Developments**

**(D) Subdivision Review Procedures.** The Preparation of a subdivision for platting shall be carried out through the following stages in accordance with the procedure as follows.

**(3) Tentative Preliminary Plat Review.** Tentative Preliminary Plat Review, involving review and action to recommend approval or denial of the plat by the Planning Commission within 60 days from the date of filing, followed by review and action to approve or deny the plat by the City Commission within 90 days from the date of filing, shall be in accordance with the following procedures and requirements:

**(c) Submittal requirements.** The tentative preliminary plat shall illustrate the proposed subdivision layout based on the uses of land, dimensional requirements, and density allowed by right in the district in which the land is located (i.e., a conventional development). The preliminary plat submitted for tentative approval shall show all of the salient features of the proposed subdivision to allow the City to determine whether the proposal is in compliance with this and other applicable ordinances. The lack of information related to any item specified herein, or improper information supplied by the applicant, shall be cause for disapproval of a tentative preliminary plat. The following information shall be provided for tentative preliminary plat review:

**(v) Tentative Preliminary Plat—Other Submittals.** The following additional information shall be provided, unless otherwise indicated, with the application for Tentative Preliminary Plat Review:

**d.** Comments from other review authorities. The proprietor shall submit copies



of the tentative preliminary plan to County, regional and State agencies that have jurisdiction over any aspect of the subdivision including, where applicable, the Marquette County Road Commission, Marquette County Drain Commission, Michigan Department of Transportation, Michigan Department of ~~Environmental Quality~~ **Environment, Great Lakes, and Energy (EGLE)**, and Marquette County Health Department. Although approval from these agencies is not required for tentative preliminary plat approval, any written comments received from these agencies shall be submitted to aid the City review process.

**(4) Final Preliminary Plat Review.** Final Preliminary Plat Review, involving review by outside agencies (State and Marquette County agencies) prior to action by the City Commission within 20 days from the date of filing, shall be in accordance with the following procedures and requirements:

**(b) Final Preliminary Plat—Required Information.** The final preliminary plat submittal shall contain all of the information required for the tentative preliminary plat listed in Section 54.501(D)(3), plus the following information:

**(vi)** The proprietor shall submit a list of all agencies to which the proprietor has sent copies of the final preliminary plat, certifying that the list shows all authorities listed in this subsection. The proprietor shall also submit copies of the final preliminary plat bearing the necessary approvals of all authorities as required by the Land Division Act and this section, including:

- d.** Michigan Department of ~~Environmental Quality~~ **Environment, Great Lakes, and Energy (EGLE)**, if the land proposed to be subdivided abuts a lake or stream, or abuts an existing or proposed channel or lagoon affording access to a lake or stream where public rights may be affected, or contains regulated wetlands, or lies wholly or in part within a flood plain of a river, stream, creek or lake.

**(8) Other Improvements.**

**(d) Water Supply.** Water distribution system plans approved by the City Commission and in conformance with the Regulations of the Michigan Department of ~~Environmental Quality~~ **Environment, Great Lakes, and Energy (EGLE)** relating to Municipal Water Supplies.

## **Section 54.502 Land Division Regulations**

**(D) Application for Land Divisions.** An applicant shall file with the City Assessor, or other official designated by the City Commission, all of the following for review and approval of a proposed parcel split before any split can be made:

**(1) Application.** A completed application on such form as may be provided by the City. If a transfer of division rights is proposed in the land transfer, then information about the terms and availability of the proposed division rights transfer shall be submitted with the application. Such information shall be in a form that satisfies the written notice requirements specified in Section 109(2) of the Land Division Act.

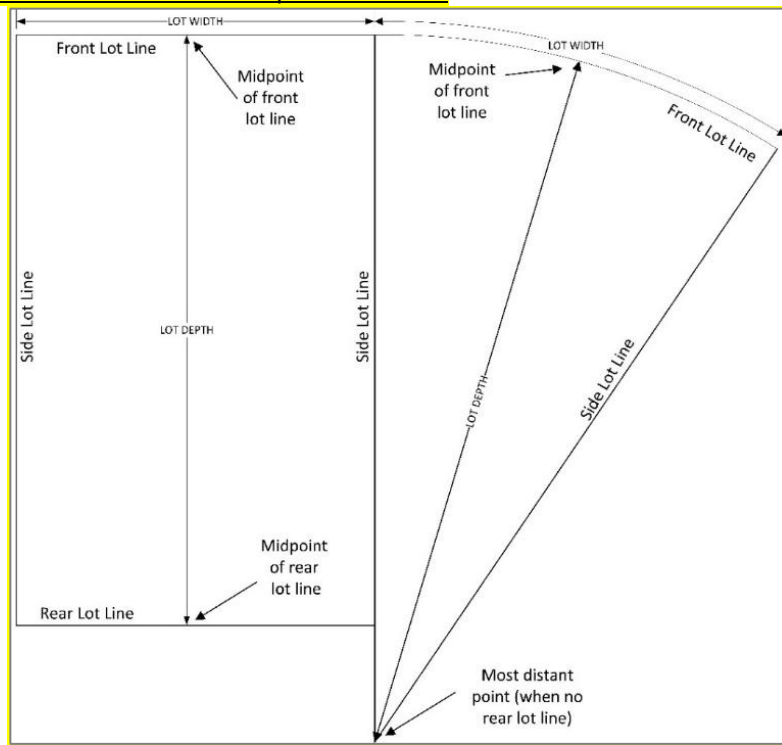
**(2) Proof of Ownership.** Proof of fee ownership of the land to be divided.

**(3) Survey or Tentative Parcel Map.** A survey or tentative parcel map of the parcel, including the location, setbacks, and dimensioned encroachments of all existing structures, indicating the adequate and accurate dimensions and legal description of the entire parcel and each split to be made. The survey or tentative parcel map must include the means of access from each resulting parcel to an existing road or street, the location of all existing and proposed public and private easements and rights-of-way, and the location of surface water, lakes, ponds, streams, and wetlands. **A tentative parcel map is only allowed to be submitted if there are no structures or improvements on the parcel.**

**(F) Standards for Granting Land Division Approval.** The splitting or partitioning of a parcel is prohibited unless approved in the manner required by this section in complete accordance with the following rules and regulations:

**(3) Depth-to-Width Ratio of Non-Platted Parcels.** Depths of parcels created as a result of division of land shall be not greater than four (4) times the parcel width. The City may permit parcels with proportions that vary from such standards where such action would reduce existing nonconformance with the standards set forth in this Ordinance or, in the determination of the Zoning Administrator, a variation is necessary due to exceptional topographic or physical conditions with respect to the parcel and compatibility with Depth-to-Width Ratio of Non-Platted Parcels. Depths of parcels created as a result of division of land shall be not greater than four (4) times the parcel width. The City may permit parcels with proportions that vary from such standards where such action would reduce existing nonconformance with the standards set forth in this Ordinance or, in the determination of the Zoning Administrator, a variation is necessary due to exceptional topographic or physical conditions with respect to the parcel and compatibility with surrounding lands.

**Figure xx. How to Measure Lot Depth and Width**



## Section 54.503 Condominium Developments

- (A) **Intent and Application.** The following regulations shall apply to all condominium and site condominium developments within the City of Marquette.
- (B) **Site Condominiums.** Pursuant to authority conferred by Section 241 (Law, Ordinance, or Regulation of Local Unit of Government) of the Condominium Act, as amended, all site condominiums must be approved by the City Commission following review and recommendation for approval by the Planning Commission. In determining whether to recommend a site condominium for approval to the City Commission, the Planning Commission shall consult with and receive a written response from the Planning Director, City Attorney, City Engineer, and Zoning Administrator regarding the adequacy of the master deed, deed restrictions, utility systems and street, development layout and design and compliance with all requirements of the Condominium Act and the Land Development Code.
- (1) **Notice.** Prior to the Planning Commission meeting, a notice shall be sent by mail or personal delivery to the contiguous adjacent property owners, and the adjacent property owners from the site access point (this includes those across the street from the site access point).
- (G) **Design and Engineering Standards and Required Improvements for Site Condominium Developments.** The design and engineering standards for site condominium developments, as well as required improvements for site condominium developments, shall be the same as those required for subdivisions in [Section 54.501\(E\)](#).
- (1) **Exception:** If there are no other public streets within 1,500 feet of the nearest site condominium parcel line or if the proposal is for a private road meeting the standards of an approved Planned Unit Development (PUD), then the site condominium parcel can have private road frontage and any of the street development standards do not have to be met in Section 54.501(E) (1), (2), (6), (7), and (8) items. The standards in Section 54.501(E) (3), (4), and (5) do have to be met, however any reference to “street” will be replaced with “private road”.

### **SECTION 5.** Article 6 – Standards Applicable to Specific Land Uses

**Chapter 54 – LAND DEVELOPMENT CODE, Article 6 – Standards Applicable to Specific Land Uses is hereby amended as follows:**

#### **Article 6 Standards Applicable to Specific Land Uses**

##### **Section 54.612<sup>1</sup> Dwelling, Accessory Unit (ADU)**

Accessory Dwelling Units (ADUs) shall comply with all of the following standards:

- (A) **One ADU Per Lot.** One ADU is permitted per lot containing an existing detached single-family dwelling unit, provided the ADU complies with all of the requirements of this Section and this Ordinance.
- (B) **Minimum Lot Area and Width.** ADUs are only permitted on lots that meet the minimum lot area and lot width standards of the zoning district.

**(C) Setbacks and Height.** ADUs must meet all requirements of this Ordinance for minimum setbacks and maximum height. However, the height of an ADU shall not exceed two (2) stories or 20 feet.

(1) A detached ADU (physically separate from the principal residence) must meet the setback requirements of accessory structures for their zoning districts, and the height shall not exceed two (2) stories or 20 feet.

(2) An attached/interior ADU (physically attached and/or accessible from within the principal residence) must meet the requirements of this Ordinance for minimum setbacks and maximum height for primary buildings and lot coverage in Article 4.

(a) **Exception.** An existing legal non-conforming Class A or B structure that is non-conforming due to noncompliance with any minimum setbacks for the zoning district, does not have to meet the minimum setbacks for proposed residential interior remodeling to add an ADU to the interior of the existing structure.

**(D) Maximum Occupancy.** The occupancy of the accessory dwelling unit shall not exceed two (2) unrelated adults.

**(E) Maximum Yard Coverage.** A detached ADU, whether standing alone or as an addition to an existing accessory structure, must meet the standards for maximum impervious surface coverage in [Section 54.403](#) as applicable to the zoning district, but does not have to meet the rear yard area occupation standards for the zoning district, as stated in [Section 54.705](#).

**(F) Owner-Occupancy Required of the Principal Dwelling is as follows:**

(1) Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the a person who has a legal or equitable ownership interest with the property, and who bears all or part of the economic risk of decline in value of the property and who receives all or part of the payment, if any, derived from the lease or rental of the dwelling unit. The owner-occupant shall prove residency by means such as a voter registration, car registration, or other method acceptable to the City.

(a) **Grace Period for Transfer of Ownership and Revocation.** Per the recorded covenant, the continuing approval/existence of the ADU is predicated upon the occupancy of either the principal residence or the accessory dwelling unit by a person who owns the property, and that the ADU shall remain in the ownership of the person who owns the property. If the person who has legal or equitable ownership interest with the property has become deceased, then the next of kin or a named person in the will of trust has one year to provide proof to the City that they have legal or equitable ownership interest with the property or the ADU will be revoked.

**(H) Maximum Floor Area of ADU.** The floor area of the ADU shall not exceed 768 square feet, or 50% of the gross floor area of the principal residence, whichever is less. If the proposed ADU is a detached garage, and the area used as garage/parking is for the single-family home use only, then you do not count that as floor area for the ADU.

**(I) Attachment Options.** The ADU may be attached to the single-family dwelling or within the interior of the single family dwelling and constructed on any story of a conforming detached accessory building on the site, including the basement level. If the ADU is

attached to the single-family dwelling (as an addition), the ADU may be located within the existing footprint or added to the existing footprint, provided all of the requirements of this Ordinance are met.

**(J) Architecture and Design.**

(1) An ADU must be designed to maintain the architectural character and appearance of the principal building when attached to an existing building. If an ADU extends beyond the existing footprint of the main building, the addition must be consistent with the existing façade, roof pitch, siding, and windows.

(2) Shipping containers are prohibited as an ADU.

**(3 2)** Exterior stairs leading to a second story entrance are restricted to the side or rear façade of the building to which it is attached.

**(K J) Parking.** One (1) off-street parking space shall be provided for the ADU in a driveway, side or rear yard. No parking space may be provided in the front yard except in paved driveways or hard surfaced parking spaces in accordance with this Ordinance (see definition of “Hard Parking Surface” in Section 54.202(A)(923)). Parking spaces are not subject to setback requirements. The Zoning Administrator may grant an exception to the parking space requirement if the property owner submits a signed and notarized affidavit to the City affirming that the ADU occupant will not have a motor vehicle on site.

**(L K) Duration of Lease or Rental.** Leasing or rental of the ADU for less than 30 days is prohibited.

**(M) Revocation of ADU.** If any of the conditions or requirements of the ADU are no longer being met, then the ADU approval shall be revoked and the property owner will be notified of a deadline to remove the ADU construction or to convert the structure to a legal use within the zoning district.

## Section 54.613 2 Dwelling, Duplex

**(A) Lot Area and Lot Width.** The minimum lot area and lot width for lots with a duplex must meet the requirements of Article 4.

**(B) Side Yard Setback.** The minimum required side yard setback for a duplex is 10 feet on each side unless a larger side yard setback is required by must meet the zoning district requirements in Article 4.

**(C) Parking.** Two (2) parking spaces for each dwelling unit, shall be provided unless otherwise exempted by this Code.

**(D) Outdoor Livability Space.** On each lot containing a duplex, at least 20 percent of the lot must be used for outdoor livability space such as lawns, gardens, and/or outdoor patios.

## Section 54.614 3 Dwelling, Intentional Community

**(A) Maximum Occupancy.** Occupancy of an Intentional Community Dwelling shall not exceed more than one person per 200 square feet of habitable space

- (B) **Parking.** Each applicant for an Intentional Community Dwelling shall prepare a parking management plan. The plan shall limit the number of automobiles to be parked in the public right-of-way to three (3).
- (C) **Conversion from Single-Family Residential Buildings.** When an Intentional Community Dwelling is established within a single-family dwelling, the single-family appearance and function of the building shall not be altered through the addition of separate entrances or kitchens.
- (D) **Conversion from Duplex and Multi-Family Residential Buildings.** When two-family and multi-family buildings are converted into an Intentional Community Dwelling, the entire building must remain an Intentional Community Dwelling while any portion of it is so occupied.
- (E) **Proximity to Other Intentional Community Dwellings.** The lot on which an Intentional Community Dwelling is located shall not be within 1,500 feet from a lot on which another Intentional Community Dwelling is located, but the Planning Commission may permit two (2) Intentional Community Dwelling units to be located closer than 1,500 feet apart if they are separated by a major physical barrier, including, without limitation, an arterial street, a commercial district, or a topographic feature that avoids the need for dispersal.
- (F) **Violations.** No person shall occupy an Intentional Community Dwelling in violation of this section or intentionally or negligently misrepresent the permitted occupancy of a dwelling unit in violation of this section.
- (G) **Revocation.** Violation of this Ordinance or any conditions of approval required by the Planning Commission shall be grounds for revocation of the Special Land Use Permit in accordance with this Ordinance. For Administrative Site Plan Review, please refer to [Section 54.1503](#).
- (H) **MFR Zoning District Review Process.** As this is a permitted use in the MFR zoning district, please refer to [Figure 51](#) in [Section 54.1402](#) and [Section 54.1401](#).
- (I) **LDR, MDR, M-U, CBD Review Process.** As this is a Special Land Use in the LDR, MDR, M-U, and CBD zoning districts, please refer to [Section 54.1403](#).

## **Section 54.620 Heavy Vehicle/Equipment Sales, Rental, and Display**

- (A) **Location.** All areas intended for this use shall be designated as such on the site plan or plot plan.
- (B) **Setbacks.** Outdoor sales and display areas must be set back 3 feet from the front property line. Alternatively, the Zoning Administrator may establish alternative locations for outdoor sales and display areas as it determines necessary and advisable.
- (C) **Minimum Lot Size.** No less than one-half acre of land shall be required to operate all such uses.
- (D) **Screening.** Outdoor sales and display areas which abut residentially zoned property shall be screened in accordance with [Article 10 Landscaping and Screening](#).
- (E) **Not create nuisance.** All such outdoor sales and display areas shall be conducted in a manner so as not to create a nuisance to neighboring properties through adequate on-site parking and ingress and egress to the site.

- (F) Reasonable Conditions.** The Zoning Administrator may impose such reasonable conditions as deems necessary to protect the public health, safety and general welfare from excessive noises, traffic, obnoxious and unhealthy odors and any detrimental effects to the general operation of any outdoor sales and display areas.
- (G) No obstruction and paved surface.** All sales and display areas shall be paved with a hard surface. Outdoor sales and display areas shall not occupy or obstruct the use of any fire lane, required off-street parking spaces, or landscaped area required to meet the requirements of [Article 9 Parking, Loading, and Access Management](#) or create a traffic or safety hazard.
- (1)** Off-street parking and maneuvering lanes shall meet minimum ordinance requirements for the retail use based upon the area designated for sales and display as determined by the Zoning Administrator. All loading and unloading areas and off-street parking and maneuvering lanes shall be located within the boundaries of the site.

## Section 54.622 Home Offices

A Home Office is a dedicated space in a residential dwelling unit where the resident(s) may carry out certain functions of a commercial, service, or organizational nature – such as administration and sales – without a permit, provided the following conditions are met:

- (A) Maximum Floor Area.** ~~The office may not occupy more than 25% of the floor area of the dwelling unit or a maximum of 500 square feet, whichever is smaller.~~ A Home Office shall not occupy more than 25% of the floor area of the dwelling unit and any accessory structures (combined floor area) utilized for the occupation, or a maximum of 500 square feet, whichever is smaller.
- (B) Resident Employees Only.** No persons who are not lawful residents of the dwelling may be employed.
- (C) Signs.** There shall be no signs except as provided for in [Article 11](#).
- (D) No Customer or Client Traffic.** No persons other than residents of the dwelling shall typically or regularly visit the home office for business purposes.
- (E) Equipment Operation.** There shall be no equipment used, the operation of which can be sensed outside of the dwelling unit.
- (F) Accessory Structure Use.** A Home Office use may be conducted in an accessory structure that is properly permitted by the City and the County Building Codes Department.

## Section 54.624 Homestays and Vacation Home Rentals

- (A) Homestays and Vacation Home Rentals in the Low Density Residential (LDR) District, Medium Density Residential (MDR) District, the Third Street Corridor (TSC) District, and Mixed-Use (M-U) District.** In the LDR, MDR, TSC, and M-U zoning districts, the following regulations shall apply to single-family, and duplex, triplex, and quadplex structures that are Homestays and Vacation Home Rentals:



**(1) Location Requirements.** Registered Short-Term Rentals (Homestays and Vacation Home Rentals) shall be limited in proximity to one another by the following standards:

- (a) Separation Distance Between Short-Term Rentals (Homestays and Vacation Homes).** A parcel with ~~One (1)~~ **one or more** registered Homestay(s) and/or ~~one (1)~~ registered Vacation Home Rental(s) may be permitted (by application) per street segment or block face between intersections, except where the street segment or block face exceeds 500 linear feet in length, in which case one (1) additional **parcel for** Short-Term Rental of each type is allowed for each exceedance of 500 linear feet of the street segment/block face between intersections. Corner houses are assigned to the block face/street segment that corresponds to the property street address; the Zoning Administrator shall keep a map of the registered and approved **parcels for** short-term rentals for purposes of verifying their location and reviewing applications for short-term rentals.
- (b) Parcel or Right-of-Way Separation.** Registered Short-Term Rentals (Vacation Home or Homestay) **parcels** must be separated from one another by a minimum of one parcel of developable property not registered or intended for use as a Vacation Home or Homestay, and/or by a public street corridor (right-of-way).
- (c) Maximum Number of Vacation Home Rental Units Per Parcel.** If in compliance with this Section ([Section 54.624](#)) and other Zoning Ordinance requirements, up to three (3) dwelling units on one (1) parcel may be registered as vacation home rentals.
- (d) Use of a Vacation Home Rental as a Homestay.** A Vacation Home Rental that is in compliance with this Section ([Section 54.624](#)) and other Zoning Ordinance requirements may also be a Homestay if it meets the Homestay requirements and is approved by the Zoning and Fire Departments as both a Vacation Home Rental and a Homestay. In this case, the proximity standards specified in this Section ([Section 54.624](#)) will be applied only as a Vacation Home Rental to such a property, not as both a Vacation Home and a Homestay.

**(B) Short-Term Rentals in the Multiple Family Residential (MFR) District, Third Street Corridor (TSC) District, and Mixed-Use (M-U) District.** In the MFR, TSC, and M-U zoning districts, the following regulations shall apply to multi-family structures **that have 5 or more units and** that are Homestays and Vacation Home Rentals:

- (1) Subletting Prohibited.** Short-term rental is limited to property owners, and subletting is not allowed (tenants may not rent to other parties).
- (2) Maximum Number Per Housing Structure/Complex.** A maximum of four (4) units may be rented for a short-term basis in housing structures/complexes that have up to forty-nine (49) units, and a maximum of ten (10) percent of units may be rented for a short-term basis in housing structures/complexes that have fifty (50) or more units.



- (C) **Compliance with City Codes and Ordinances.** All Short-Term Rentals, Homestays, and Vacation Home Rentals must comply with the City of Marquette Rental Fire Code and all other related City codes and ordinances.

## Section 54.627 Light Manufacturing, Heavy Manufacturing, and Major Vehicle Repair and Maintenance Operations

- (C) **Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality **Environment, Great Lakes, and Energy (EGLE)**. The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in [Section 54.1402](#)

## Section 54.628 Light Vehicle/Equipment Sales and Display

- (A) **Minimum Lot Size.** The site shall be a minimum of one-half acre when vehicles are displayed outdoors.
- (B) **Licensing.**
- (1) For vehicle sales, the proprietor must be a licensed dealer in the State of Michigan.
  - (2) Vehicle licensing requirements of the State of Michigan shall be followed in the review and approval of vehicle sales requests.
- (C) **Open Drive Aisles.** Outdoor display and storage areas of vehicles shall maintain open drive aisles to allow free movement of vehicles.
- (D) **Parking.**
- (1) All vehicles waiting to be picked up by the vehicle driver shall be kept in approved parking spaces on site.
  - (2) Vehicles being displayed cannot be parked in required parking spaces, however, they must only be parked in the excess approved hard surface (see definition of “Hard Parking Surface” in [Section 54.202\(A\)\(923\)](#)) parking spaces on the site and the location must still meet the maneuvering lane requirements.
  - (3) **If a new off-street parking lot is constructed, parking spaces designated for vehicle display are exempt from the screening requirements outlined in [Section 54.1003\(C\)\(1\)](#). However, if the parcel's use changes and these spaces are converted to regular parking spaces, screening must then be implemented in compliance with the section's requirements.**
  - (4) **If a new off-street parking lot receives a waiver of the maximum parking spaces allowed per [Section 54.902\(H\)](#), the waiver will be rescinded upon the change of use.**
- (E) **Flag or Pennant Displays.** One (1) flag or pennant may be displayed on each vehicle for sale or lease. The maximum size of each flag or pennant shall not exceed twelve (12) inches × eighteen (18) inches. All other signage for the site must comply with [Article 11](#).
- (F) **Power Equipment and Vehicle Accessories.** Display areas may include those approved per Article 6, [Section 54.6398](#) or must be in other areas on the private property (out of any right-of-way) that are not within a clear vision triangle or required side and rear yards and are outside of pedestrian paths or required parking spaces. The display of qualifying merchandise may encroach to within five (5) feet of the public sidewalk provided items are on a hard surface.

## Section 54.629 Marihuana Establishments

- (D) **Marihuana Microbusiness – Light Manufacturing.** Marihuana Microbusiness – Light Manufacturing shall be subject to the following standards:

**(12) Additional Light Manufacturing standards:**

- (c) Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality **Environment, Great Lakes, and Energy (EGLE)**. The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in Section 54.1402.

**(E) Marihuana Microbusiness – Heavy Manufacturing.** Marihuana Microbusiness – Heavy Manufacturing shall be subject to the following standards:

**(12) Additional Light Manufacturing standards:**

- (c) Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality **Environment, Great Lakes, and Energy (EGLE)**. The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in Section 54.1402.

**(H) Marihuana Processor – Light Manufacturing.** Marihuana Processor – Light Manufacturing shall be subject to the following standards:

**(8) Additional Light Manufacturing standards:**

- (c) Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality **Environment, Great Lakes, and Energy (EGLE)**. The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in Section 54.1402.

**(I) Marihuana Processor – Heavy Manufacturing.** Marihuana Processor – Heavy Manufacturing shall be subject to the following standards:

**(8) Additional Light Manufacturing standards:**

- (c) Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality **Environment, Great Lakes, and Energy (EGLE)**. The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in Section 54.1402.

## **Section 54.632 Natural Resource Extraction and Processing Operations**

- ~~**(A) Setbacks.** No topsoil, earth, gravel, or sand shall be removed, and no excavation, washing and stockpiling of extracted material shall be conducted closer than three hundred (300) feet to the outer boundary of the area approved for extractive operation. This setback may be reduced by the Planning Commission upon making the determination that the operations can still be carried out in a manner that is compatible with surrounding land use. Extractive operations shall not encroach upon required setback areas. Greenbelt plantings and landscaping must be provided in the setback area as required.~~

- ~~**(B) Control of Off Site Impacts.** In order to reduce the effects of airborne dust, dirt, and noise, all equipment for sorting, crushing, grinding, loading, weighing, and other operational structures shall not be built closer than three hundred (300) feet from any~~

public street right-of-way line or adjacent property lines. This setback may be reduced by the Planning Commission upon making the determination that the operations can still be carried out in a manner that is compatible with surrounding use. All such activities, equipment, roadways, and material storage areas shall be treated, covered, muffled, or otherwise controlled to minimize adverse impact beyond the property line. Trucks hauling extractive materials to or from the site shall be loaded and covered in accordance with all applicable State and County and local regulations. Private access roads serving the operation must be treated to create dust-free surfaces for a distance of three hundred (300) feet from any public access road. Arrangements shall also be made to minimize dust on public access routes traveled in the City.

- ~~(C) **Fill Material.** No garbage or refuse of any nature shall be used for fill. Only the following materials may be used for fill: sand, gravel, clay, broken concrete, topsoil, and other clean earth materials which provide a suitable base for future building sites.~~
- ~~(D) **Standing Water.** The premises must at all times be graded so that surface contours shall tend to forestall local depressions or cause water to stand or accumulate.~~
- ~~(E) **Fence.** Where there is an excavation with a depth in excess of five (5) feet not subject to standard to City building codes and trenching regulations, the permit holder shall erect a fence of at least six (6) feet, but not more than ten (10) feet in height, of wire mesh or such other suitable materials to afford protection to persons and property. Any gates required must be kept locked, daily, when operations are stopped.~~
- ~~(F) **Processing.** Processing of materials mined from any property shall be permitted only in an IM (Industrial/Manufacturing) Zoning District.~~
- ~~(G) **Liability.** The owner or operator shall maintain liability insurance with the City named as an insured party, and the City shall be indemnified and held harmless in respect to any liability and claims which may arise in conjunction with the extractive operations.~~
- ~~(H) **Post Closure or End Use Land Use Plan.** As a part of the special land use approval and site plan review process, a post closure land use plan for the facility must be submitted by the applicant for review. Such a plan must include the end use of all facilities after closure as defined by the Michigan Department of Natural Resources for the technical aspects of closing the solid waste facility, mine or quarry. The contents of the Closure Plan must include:
  - ~~(1) Boundary lines of the property and dimensions and bearings of the property lines correlated with legal description;~~
  - ~~(2) Location and extent of all natural features to be retained during operation;~~
  - ~~(3) The slope of all restored areas;~~
  - ~~(4) Proposed completed topography at contour intervals of not more than two (2) feet;~~
  - ~~(5) A schedule integrating the areas of progressive rehabilitation with the final restoration plan;~~
  - ~~(6) The estimated date of completion of the requirements of the restoration plan;~~
  - ~~(7) Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored areas;~~
  - ~~(8) A description of the methods and materials to be utilized in restoring the site;~~
  - ~~(9) Sketch plan of the proposed use or uses of the restored site;~~
  - ~~(10) For solid waste facilities, a program of continued groundwater monitoring for at~~~~

least ten years after closure must be approved by the appropriate local and State officials; and;

~~(11) Names, addresses and telephone numbers of applicant, property owner, operator and professional engineer who prepared the restoration plan.~~

**(A) Excavation.** As allowed by state law, the extraction of sand, gravel, or other raw materials at or below grade and the processing of such materials upon any property are subject to the following standards, provided the state law does not preclude this ordinance:

**(1) Site Plans for Permitted Uses.** A site plan must be approved for any earthwork that is greater than 20,000 square feet in size for a non-residential use; or earthwork that is more than half the size of the parcel upon which commercial, industrial, mixed-use or multi-family land use is occurring or intended, per [Section 54.1402 \(Figure 51\)](#).

**(2) Site Plans for Special Land Use.** A site plan must be approved by the Planning Commission per the Special Land Use process.

**(3) Setbacks.** No topsoil, earth, gravel, or sand shall be removed, and no excavation, washing and stockpiling of extracted material shall be conducted closer than at least one hundred (100) feet from the subject property line. The Planning Commission or Zoning Administrator (depending on the reviewing authority per [Figure 51](#)) may reduce these dimensions upon determining that the operations can still be carried out in a manner compatible with surrounding land use. Greenbelt plantings and landscaping must be provided in the setback area as required

**(4) Control of Off-Site Impacts.** To reduce the effects of airborne dust, dirt, and noise, all activities, equipment, roadways, and material storage areas shall be treated, covered, muffled, or otherwise controlled to minimize adverse impact beyond the property line. Trucks hauling extractive materials to or from the site shall be loaded and covered by all applicable State and County and local regulations. Private access roads serving the operation must be treated to create dust-free surfaces for three hundred (300) feet from any public access road. Arrangements shall also be made to minimize dust on public access routes in the City.

**(5) Fill Material.** No garbage or refuse of any nature shall be used to fill the ground where soil, rock, and other natural materials have been removed. Only the following materials may be used for such "fill": sand, gravel, clay, broken concrete, topsoil, and other clean earth materials that provide a suitable base for future building sites.

**(6) Standing Water.** The premises must always be graded so that surface contours tend to forestall local depressions or cause water to stand or accumulate with the exception of sumps for dust control.

**(7) Fences.** Where there is an excavation forming a trench or a pit with a depth in excess of five (5) feet, the permit holder shall erect a fence of six (6) to ten (10) feet in height, in accordance with [Section 54.706](#) of this ordinance. Any gates used or required must be shut and locked when operations are stopped.

**(8) Liability.** The owner or operator shall maintain liability insurance with the City named as an insured party, and the City shall be indemnified and held harmless in respect to any liability and claims which may arise in conjunction with the extractive operations.

**(9) Post Closure or End Use Land Use Plan.** As part of the special land use approval and site plan review process, the applicant must submit a post-closure land use plan for the facility. The contents of the Closure Plan must include:

- (a)** Boundary lines of the property and dimensions and bearings of the property lines correlated with legal description;
- (b)** Location and extent of all natural features to be retained during operation;
- (c)** The slope of all restored areas;
- (d)** Proposed completed topography at contour intervals of not more than two (2) feet;
- (e)** A schedule integrating the areas of progressive rehabilitation with the final restoration plan;
- (f)** The estimated date of completion of the requirements of the restoration plan;
- (g)** Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored areas;
- (h)** A description of the methods and materials to be utilized in restoring the site;
- (i)** Sketch plan of the proposed use or uses of the restored site;
- (j)** Names, addresses and telephone numbers of applicant, property owner, operator and professional engineer who prepared the restoration plan

#### **(B) Natural Resource Processing Operations**

- (1) Processing.** The processing of materials mined from any property shall be permitted only in an IM (Industrial/Manufacturing) Zoning District.
- (2) Setbacks.** To reduce the potential for sedimentation to streams and nuisances – the creation of dust, dirt, glare, and noise - all operations for processing raw materials (cutting, crushing, grinding, mechanical sorting, and associated structures must be separated at least 200 feet from any property adjoining lines and abutting bodies of water. The Planning Commission may reduce these dimensions upon determining that the operations can still be carried out in a manner that is compatible with surrounding land use.
- (3)** Items [54.632 \(1\), \(3\), \(5\), \(6\), \(7\), and \(8\)](#) shall apply to such processing operations and must be followed for zoning approval of the activity.

## **Section 54.6376 Outdoor Alcoholic Beverage Service**

**(A) Outdoor Food and/or Alcoholic Beverage Service on Public Property.** Outdoor food and beverage service (including alcoholic beverages) on public property is subject to the requirements of Chapter 12 (Business), Article 6 (Sidewalk Café Permits) of the City Code of Ordinances.

**(B) Outdoor Alcoholic Beverage Service on Private Property.** Outdoor alcoholic beverage service on private property is subject to the following requirements:

- (1) Accessibility.** Outdoor alcoholic service on private property shall be located in a manner

that will not interfere with vehicular or pedestrian mobility or access, and shall meet Michigan barrier-free requirements. Outdoor alcoholic service areas shall not obstruct the entrance to any building or sidewalk, nor shall they obstruct any barrier-free ramp or access aisle. If outdoor alcoholic beverage service areas are located on a private sidewalk, a minimum five (5) foot wide unobstructed pathway shall be maintained on the sidewalk, for pedestrian traffic.

- (2) **Mobile Food Vending Units.** Mobile Food Vending Units per Chapter 35 of the City Code are not considered Outdoor Food and Beverage Service. Outdoor tables and chairs are considered Outdoor Food and Beverage Service, so if a mobile food vending unit proposed to add this to the site, then they must meet [Section 54.636](#) and submit a zoning permit for this use.
- (3) **Location of Outdoor Alcoholic Beverage Service Areas.** Tables and chairs must remain within a well-defined and clearly marked area. The City may require enclosures consisting of metal railing, brick walls, landscape planters or other suitable materials using decorative, wrought iron fencing, or other suitable materials. The City may permit temporary enclosure structures, provided the temporary enclosure structures meet the requirements of [Section 54.705\(F\)](#).
- (C) **Outdoor Entertainment and Community Events.** See [Section 54.635](#).
- (D) **Vehicle Parking Requirements.** Parking space requirements may be reduced per [Section 54.902\(G\)](#).

## **Section 54.6387 Outdoor Food and Non-Alcoholic Beverage Service**

- (A) **Outdoor Food and Non-Alcoholic Beverage Service on Public Property.** Outdoor food and non-alcoholic beverage service on public property is subject to the requirements of Chapter 12 (Business), Article 6 (Sidewalk Café Permits) of the City Code of Ordinances.
- (B) **Outdoor Food and Non-Alcoholic Beverage Service on Private Property.** Outdoor food and non-alcoholic beverage service on private property is subject to the following requirements:
  - (1) **Accessibility.** Outdoor food and beverage non-alcoholic service on private property shall be located in a manner that will not interfere with vehicular or pedestrian mobility or access, and shall meet Michigan barrier-free requirements. Outdoor food and non-alcoholic beverage service areas shall not obstruct the entrance to any building or sidewalk, nor shall they obstruct any barrier-free ramp or access aisle. If outdoor food and non-alcoholic beverage service areas are located on a private sidewalk, a minimum five (5) foot wide unobstructed pathway shall be maintained on the sidewalk, for pedestrian traffic.
  - (2) **Mobile Food Vending Units.** Mobile Food Vending Units per Chapter 35 of the City Code are not considered Outdoor Food and Beverage Service. Outdoor tables and chairs are considered Outdoor Food and Beverage Service, so if a mobile food vending unit proposed to add this to the site, then they must meet [Section 54.637](#) and submit a zoning permit for this use.

(3) **Location of Outdoor Food and Non-Alcoholic Beverage Service Areas.** Tables and chairs must remain within a well-defined and clearly marked area. The City may require enclosures consisting of metal railing, brick walls, landscape planters or other suitable materials using decorative, wrought iron fencing, or other suitable materials. The City may permit temporary enclosure structures, provided the temporary enclosure structures meet the requirements of [Section 54.705\(FI\)](#).

(C) **Outdoor Entertainment and Community Events.** See [Section 54.635](#).

(D) **Vehicle Parking Requirements.** Parking space requirements may be reduced per [Section 54.902\(IG\)](#).

## **Section 54.6398 Outdoor Temporary Retail Sales and Service Areas**

- (A) Temporary retail sales and service areas, for approved commercial land uses, may be permitted to occupy not more than twenty-five percent (25%) of the existing or required parking spaces on the site, for a total of not more than ~~90~~ 120 days in any 12-month period. The location of sales merchandise, service area, and/or temporary structures shall not interfere with pedestrian accessibility, traffic patterns, or access to remaining parking spaces. Prior to placement of merchandise, service area, or erection of temporary structures, the Zoning Administrator must be notified of the date of removal. The location and construction of all temporary structures (including tents) erected in association with the temporary sale of merchandise shall require the approval of the Zoning Administrator and the Fire Administrator through a zoning permit if a City Clerk License is not required. It is the responsibility of the business owner to contact the Building Code Administrator to determine if a building permit is required.
- (B) Mobile Food Vending Units per Chapter 35 of the City Code are exempt from [Section 54.638 \(A\)](#).
- (C) Temporary sales areas that require a person to obtain a license from the City Clerk's Office are exempt from obtaining a Zoning Compliance Permit, but must meet the requirements of [Section 54.638 \(A\)](#).
- (D) Temporary outdoor sales and display of merchandise in conjunction with Marquette Downtown Development Authority sanctioned events are exempt from [Section 54.638\(A\)](#) but must be removed at the conclusion of the event.
- (E) Temporary outdoor sales for non-commercial land uses which are an accessory use of property, such as yard/garage sales and children's lemonade sales, are authorized with the permission of the property owner. Such sale events may occur on a singular property up to 10 times per year and no more than 4 times per month.

## **Section 54.6432 Residential Limited Animal Keeping**

### **(A) Requirements Applicable to All Residential Limited Animal Keeping.**

- (1) **Accessory Use of On-Site Residents.** The accessory use of Residential Limited Animal Keeping is permitted upon application for a non-transferable Residential Limited Animal Keeping Permit approved by the Zoning Administrator, which is for enclosures and structures that are required for chickens and rabbits, or for beehives. Upon approval, the permit is intended to be for the benefit of the occupants of the dwelling on-site, and not for commercial animal uses.



- (2) **Applicable Zoning Districts.** This Residential Limited Animal Keeping use is permitted only in the LDR and MDR districts as an accessory use, where there is a separate occupied dwelling.
- (3) **General Animal Care.** Animals being kept in a residential environment must be cared for and monitored daily to maintain animal health and to prevent nuisance problems with neighbors and the community.
- (4) **Permitted Animals.** Unless classified as a bona fide household pet, only animals explicitly permitted in this Section (i.e., hens, rabbits, and honeybees) qualify as animals that may be kept as a Residential Limited Animal.
- (5) **Zoning Compliance Review Required.** Zoning Compliance Review in accordance with [Section 54.1401](#) is required prior to the establishment of the Residential Limited Animal Keeping use.
- (6) **Location of Animals on the Same Lot as the Dwelling and in the Rear Yard.** The location of animals permitted in accordance with this Section must be on the same property as the dwelling to which they are accessory and must be located in the rear yard.
- (7) **Storage of Seed, Fertilizer, and Feed.** All seed, fertilizer, and animal feed shall be stored in secured, rodent- and animal-proof containers and kept within an enclosed structure.
- (8) **On-Site Commercial Sale Prohibited.** The commercial sale of animal products including eggs, honey, hens or rabbits is prohibited on the site.
- (9) **Sanitation, Waste, and Odors.** All animal structures and roaming areas must be kept sanitary and free from accumulations of animal excrement and objectionable odors. Waste must be composted or disposed of in accordance with all City requirements. The City may require a Residential Refuse Collection Agreement as a condition of Zoning Permit approval. Piling of waste materials on the property is not permitted unless composted in accordance with [Section 54.6198\(GF\)](#).
- (10) **Runoff.** No runoff from nutrient sources shall be allowed to leave the property, nor be discharged into the storm sewer.

**(A B) Requirements Applicable to Residential Limited Animal Keeping of Female Chickens (Hens).**

In addition to the requirements of [Section 54.642\(A\)](#), the following shall apply to the Residential Limited Animal Keeping of hens:

- (1) **Maximum Number of Hens.** A maximum of six (6) hens per single-family or two-family dwelling unit may be kept.
- (2) **Male Chickens (Roosters) Prohibited.** Male chickens (roosters) are prohibited.
- (3) **Prohibited Locations of Keeping Hens.** Hens are prohibited in a residence, porch, or attached garage.
- (4) **Keeping of Hens Required on the Lot.** Hens must be confined to the lot.
- (5) **Enclosure Housing for Hens.** Enclosed housing for hens (the hen house or coop) is



prohibited in a front yard. Enclosed housing must be fully enclosed, roofed, and provide at least one (1) square foot of indoor usable floor space per animal. Enclosed housing must be designed to discourage rodents, dogs, cats, and wildlife from gaining entry.

(6) **Access to Fresh Water.** Fresh water must be provided for hens at all times.

(7) **Outdoor Usable Space for Hens.** Outdoor usable space (a run) of at least two (2) square feet per hen must be provided and be attached to the coop. Outdoor usable space must be enclosed to prevent hens from leaving the lot and must not be located in a front yard.

(a) If the outdoor space has a roof or cover, then it has to meet [Section 54.705\(A\)](#) for the LDR or MDR zoning district requirements.

(b) If the outdoor space is just enclosed with a fence, it has to meet [Section 54.706\(C\)\(1\)](#) for the LDR or MDR zoning district requirements.

(8) **Setback of Housing for Hens.** Enclosed housing for hens must meet the same setback requirements for accessory buildings ([Section 54.705\(A\)](#)), except that the enclosed housing must be set back at least 20 feet from a principal building on an adjoining property. Mobile chicken housing must meet the required setbacks at all times.

**(B C) Requirements Applicable to Residential Limited Animal Keeping of Rabbits.** In addition to the requirements of [Section 54.642\(A\)](#), the following shall apply to the Residential Limited Animal Keeping of rabbits:

(1) **Maximum Number of Rabbits.** A maximum of six (6) adult rabbits per single-family or two-family dwelling unit may be kept.

(2) **Keeping of Rabbits Required on the Lot.** Rabbits must be confined to the lot.

(3) **Enclosure Housing for Rabbits.** Enclosed housing for rabbits (cage or hutch) is prohibited in a front yard. Enclosed housing must be fully enclosed, roofed, and provide at least five (5) square feet of indoor usable floor space per animal. Enclosed housing must be designed to discourage rodents, dogs, cats, and wildlife from gaining entry.

(4) **Access to Fresh Water.** Fresh water must be provided for rabbits at all times.

(5) **Outdoor Usable Space for Rabbits.** Rabbits shall only be kept within enclosed housing except for monitored exercise periods. Outdoor usable space must be enclosed to prevent rabbits from leaving the lot and must not be located in a front yard.

(6) **Setback of Housing for Rabbits.** Enclosed housing for rabbits must meet the same setback requirements for accessory buildings ([Section 54.705\(A\)](#)), except that the enclosed housing must be set back at least 20 feet from a principal building on an adjoining property. Mobile rabbit housing must meet the required setbacks at all times.

**(C D) Requirements Applicable to Residential Limited Animal Keeping of Honeybees.** In addition to the requirements of [Section 54.642\(A\)](#), the following shall apply to the Residential Limited Animal Keeping of honeybees:

(1) **Maximum Number of Honeybee Hives or Colonies.** A maximum of 10 honeybee hives is permitted on a lot.

- (2) **Location.** Honeybee hives must be located on an undeveloped area of the lot.
- (3) **Minimum Setback.** Honeybee hives must be set back at least twenty-five (25) feet from any lot line. The setback for hives may be reduced to ten (10) feet to a lot line if a six (6) foot high flyway barrier surrounds the immediate vicinity of the hive(s) consisting of a solid fence, wall, or dense vegetation that prevents a direct line of flight from the hives into neighboring properties or public use rights-of-way.
- (4) **Honeybee Hive Manipulation.** Beekeepers must make every reasonable effort to perform hive manipulations as quickly as possible, with minimum disturbance to the bees and at times of the day when outdoor activity of neighbors is minimized.
- (5) **Honeybee Swarm Prevention.** Beekeepers must use best beekeeping management practices to prevent or minimize swarming. Beekeepers must take reasonable measures to retrieve swarms.
- (6) **Access to Fresh Water.** A supply of fresh water shall be provided for all honeybee hives throughout the active flight season.

## Section 54.60548 ~~Bulk Storage~~ Move to be Storage, Bulk

- (A) Noise, vibration, smoke, dust, odors, glare, and similar or related nuisances shall be confined to the site to the maximum extent possible and mitigated on-site to the maximum extent possible. Any nuisances which are anticipated to not be contained to the applicant's property and not mitigated on the property shall be identified in the Project Proposal Document submitted with the Special Land Use Permit or Zoning Compliance Permit application.
- (B) Operations shall be approved only upon documentation by the applicant that no dangerous, noxious or nuisance conditions will impact any adjacent premises. The manufacture, processing or packaging of materials which are inherently dangerous or hazardous due to flammability, radioactivity, explosiveness, or severe toxicity will not be permitted.
- (C) Prior to final approval of a special land use permit or zoning compliance permit, each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits. The applicant shall, upon Planning Commission or Zoning Administrator request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in [Section 54.1402](#).
- (D) Notice of intent to build or expand must be given to the Zoning Administrator at the same time application is made to federal or state agencies, which may require permits.
- (E) When industrial activity is discontinued or the site is vacated, the site shall be left in a condition free from hazards (including but not limited to dangerous excavations, and abandoned structures above or below ground).

- (F) The Planning Commission may require additional safeguards to meet the intent of the industrial district and to assure opportunity for additional industrial uses and for growth within each area of the city which is zoned industrial.

### **Section 54.649 Storage, Indoor**

- (A) No activity other than indoor storage shall be allowed. No unrelated commercial, wholesale, retail, industrial or other business activity shall be conducted from the facility.
- (B) The storage of any toxic, explosive, corrosive, or hazardous materials is prohibited. Combustible materials shall be kept away from ignition sources, such as portable heaters, light fixtures, etc.
- (C) All storage, including vehicles of any kind, shall be contained within a completely enclosed building.
- (D) All exterior lighting shall be in accordance with [Section 54.802](#) hereof.
- (E) All signs shall be in compliance with the provisions of [Article 11](#) of this Ordinance.
- (F) Landscaping and Screening shall be provided in accordance with [Article 10](#) of this Ordinance.
- (G) All off-street parking shall be in compliance with [Article 9](#) of this Ordinance.

### **Section 54.635~~50~~ Open Storage Move to be Storage, Open/Outdoor**

- (A) Open storage of any equipment, vehicles, and all materials including wastes must be screened from public view, from public streets and from adjoining properties by an enclosure consisting of a wall or an obscuring, opaque fence of a height of not less than six (6) feet to obscure such stored materials.
- (B) Open storage shall not be in excess of twenty (20) feet in height.

### **Section 54.651 Storage facility, Self**

- (A) No activity other than rental of storage units shall be allowed. No unrelated commercial, wholesale, retail, industrial or other business activity shall be conducted from the facility.
- (B) The storage of any toxic, explosive, corrosive, or hazardous materials is prohibited. Combustible materials shall be kept away from ignition sources, such as portable heaters, light fixtures, etc.
- (C) All storage, including vehicles of any kind, shall be contained within a completely enclosed building.
- (D) The storage facility shall have driveway access to – or be within 300 feet of – a collector street, arterial road, or highway.

- (E) All storage units must be accessible by paved-maneuvering lanes. A minimum twenty-four-foot drive shall be provided between buildings. Site circulation shall be designed to accommodate fire trucks, as well as trucks that will customarily access the site.
- (F) A demonstrated means of security and management shall be provided.
- (G) Each storage unit shall have an individual door to the outdoors or common/public corridor, and shall be accessible by the owner of the storage items in accordance with hours of operation approved by the Planning Commission/Zoning Administrator. Such hours of operation shall be posted at the entrance to the facility.
- (H) All exterior lighting shall be in accordance with [Section 54.802](#) hereof.
- (I) All signs shall be in compliance with the provisions of [Article 11](#) of this Ordinance.
- (J) Landscaping and Screening shall be provided in accordance with [Article 10](#) of this Ordinance.
- (K) All off-street parking shall be in compliance with [Article 9](#) of this Ordinance.
- (L) In General Commercial zoning districts, the total maximum building footprint of the self-storage facilities shall be 40,000 square feet.

## **SECTION 6. Article 7 – General Provisions**

**Chapter 54 – LAND DEVELOPMENT CODE, Article 7 – General Provisions is hereby amended as follows:**

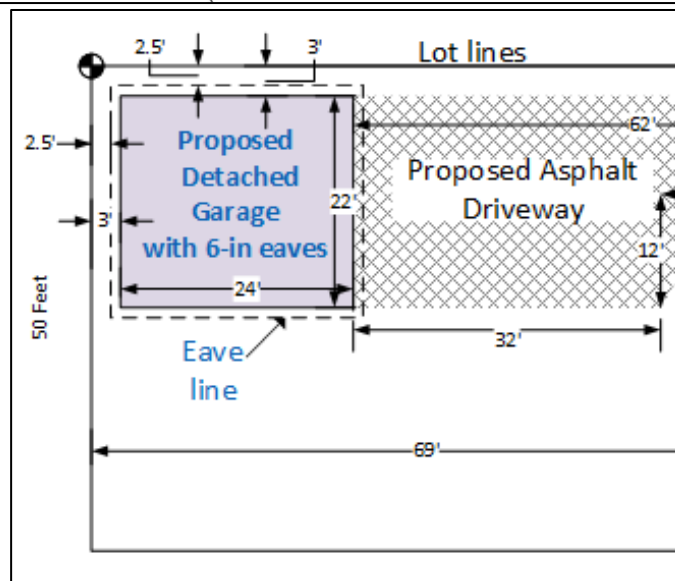
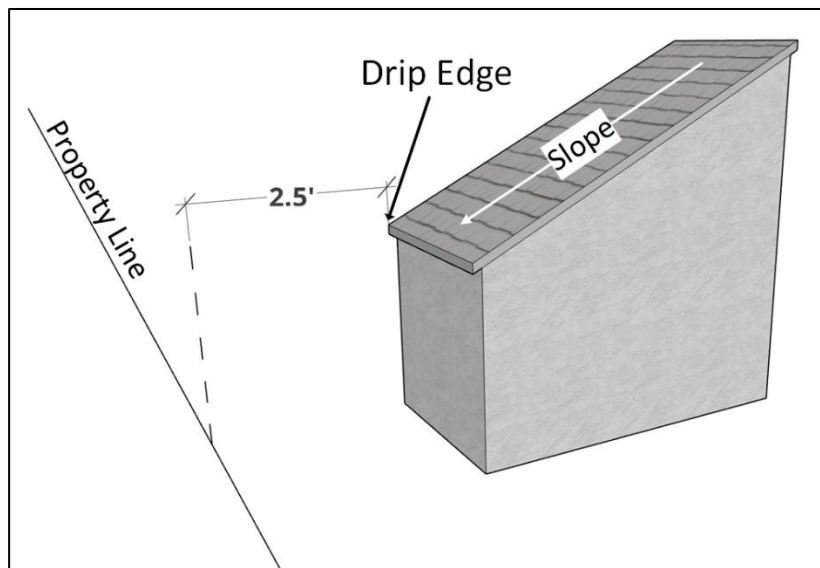
### **Article 7 General Provisions**

#### **Section 54.702 Permitted Encroachments into Required Yard Setbacks**

The following features may be located within required yard setbacks to the extent indicated. Unless explicitly permitted, under no circumstances shall any structure or attachment to a structure protrude to within five (5) feet of a right-of-way line and/or rear property line, or closer than three (3) feet to the side yard property line.

- (B) **Architectural Features.** Cornices, canopies, eaves, or similar architectural features may project into required yard setback areas to a maximum of two and one-half (2.5) feet from the property line. The eave measurement shall be taken from the max extent of the roof slope at the farthest point (also known as the drip edge) to the property line. Gutters are not included in the measurement as they are allowed to encroach past two and one-half (2.5) feet.

**Figure xx. Examples of Measurement for Eaves**

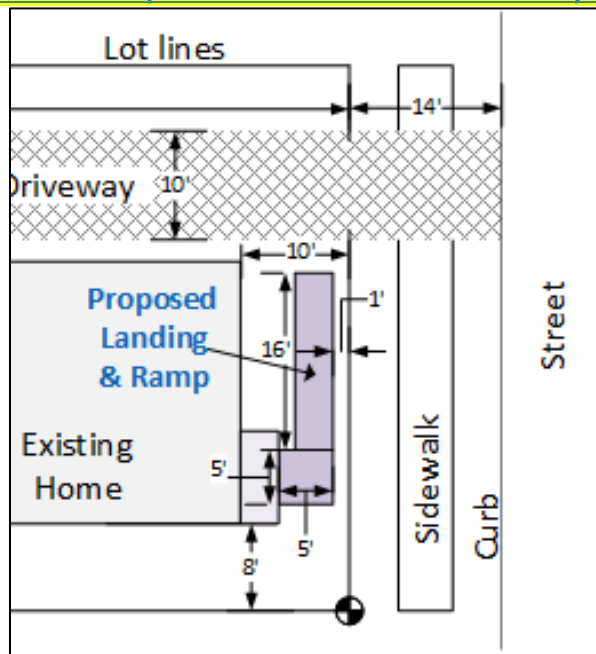


(C) **Access Ways.** Unenclosed stairs, steps, fire escapes, and access ramps may project into yard setbacks, provided that they are set back at least twelve (12) inches from the front lot line, five (5) feet from the rear lot line, and three (3) feet from the side lot lines with the following exceptions:

- (1) Front yard setbacks are not required for barrier-free access ramps if resident requires ramp access due to a disability and there is not adequate space to locate the ramp elsewhere on the property. When such ramp is no longer required it shall be considered a legal, nonconforming encroachment.
- (2) Window wells, egress windows, and basement escape ladders required by fire codes may project into required yard setbacks the minimum amount necessary to meet the fire code requirement.
- (3) Existing step or walls that are located between the front property line and 12 inches into the private property may be maintained but not rebuilt, per [Section 54. 1202](#) of the LDC.
- (4) New/Proposed steps must be set back at least 12 inches from the front property line, even if the Zoning District has a 0-ft front setback. If existing steps or walls protrude into the public right-of-way and are in disrepair, a Grant of License to use public property must be sought for approval to conduct rebuilding work to restore the structure to like-

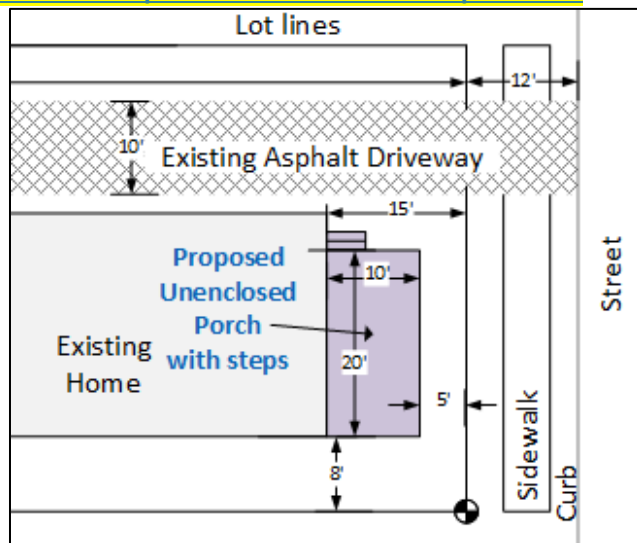
new condition.

**Figure xx. Example of Measurement for Access Ways**



- (D) **Unenclosed Balconies, Open Porches, Decks.** Unenclosed balconies, open porches, carports and decks may project into a required yard setback by up to ten (10) feet provided they are at least five (5) feet from the rear lot lines, at least three (3) feet from the side lot lines, and at least five (5) feet from the front lot lines unless a different front yard setback for unenclosed balconies, open porches, and decks is permitted or required by [Article 4](#).

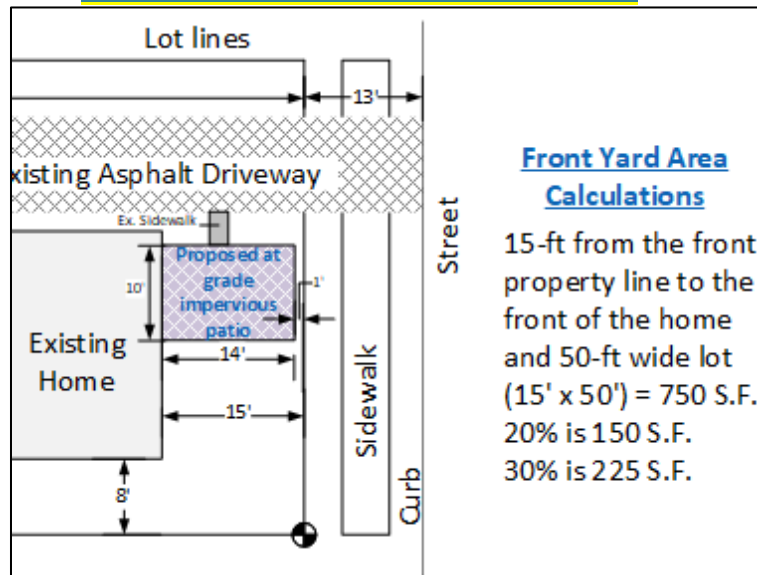
**Figure xx. Example of Measurement for Open Porch**



- (E) **Patios and at grade decks.** Patios and at grade decks may project into a required yard setback provided they are set back at least twelve (12) inches from the front lot line (even if the Zoning District has a 0-ft front setback), five (5) feet from the rear lot line, and three (3) feet from the side lot lines with the following conditions:

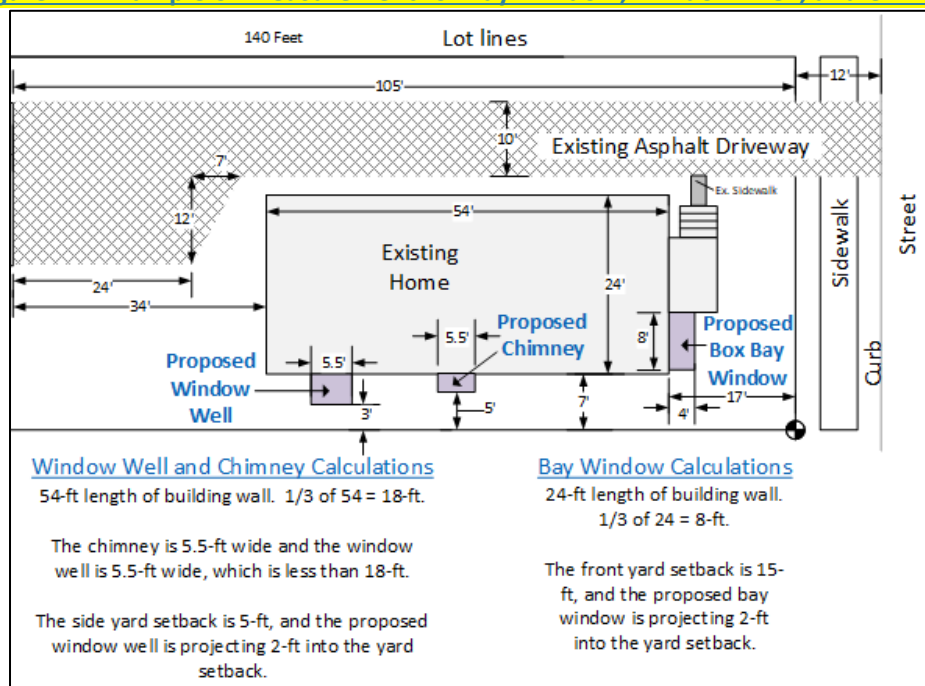
- (1) The patio cannot occupy more than 20% of the front yard area if the surface is impervious to water percolation. Patios that are made of pervious materials or designed to allow water percolation or are mitigated by storm water detention facilities (such as rain gardens), and that are not used for parking, may occupy up to 30% of the front yard.
- (a) If the patio is also used for parking it must also meet [Sections 54.902\(E\)\(1\)\(d\)](#) and [54.902\(E\)\(1\)\(e\)](#).

**Figure xx. Example of Measurement for Patio**



- (F) **Bay Windows, Basement Window Wells, and Chimneys.** Bay windows, basement window wells, and chimneys may project into yard setbacks by up to two (2) feet, provided that such features do not occupy, in the aggregate, more than one-third ( $1/3$ ) the length of the building wall on which they are located.

**Figure xx. Example of Measurement for Bay Window, Window Well, and Chimney**





**(G) Accessory Structures.** Accessory structures may project as allowed in [Section 54.705](#).

**(H) Structural Amenities.** A structural amenity, such as outdoor art, paintings, sculpture, fountains and similar water features, benches, arbors, doghouses, playsets, birdfeeders, clotheslines, air conditioners, detached open structures, and similar amenities as determined by the Zoning Administrator may be located a minimum of three (3) feet from a side **or rear** lot line and a minimum of five (5) feet from a front ~~or rear~~ lot line, subject to the following requirements:

- (1) Clear Vision Triangle Area.** All structural amenities must meet traffic visibility regulations of [Section 54.704](#).
- (2) Durable Materials and Construction.** Structural amenities must be composed of durable materials such as steel, bronze, stained glass, concrete, wood, ceramic tile, stone, or other similar material durable against weather and requiring a low level of maintenance.
- (3) Maintenance.** Structural amenities must be maintained in a safe, neat, and orderly manner acceptable to the City. The City may require the owner of the structural amenity to submit a maintenance plan for review. The City shall determine the acceptable maintenance of a structural amenity to prevent blight.
- (4) Secure Location.** Structural amenities must be properly secured to provide stability. The structural amenity may be attached or secured to the ground, or it may be attached to the principal structure or accessory structure (excluding roof attachment). **Objects that are taller than the distance from the public right-of-way to the object's location on the ground will be ordered to be removed immediately if found to be unstable.**
- (5) Maximum Height:** No attached or detached structural amenity shall exceed sixteen and one-half (16.5) feet in height.
- (6) Prohibitions.** The following ~~are~~ **is** prohibited:
  - (a)** Structural amenities that have deteriorated or are otherwise determined by the City to be blight.
  - ~~**(b)** Structures that are beyond the scope of a structural amenity and should be regulated under a different section of this Ordinance, such as fences ([Section 54.706](#)), accessory structures ([Section 54.705](#)), or signs ([Article 11](#)).~~
  - (7) Beyond the scope of structural amenity.** Structures that are beyond the scope of a structural amenity and should be regulated under a different section of this Ordinance, such as fences ([Section 54.706](#)), accessory structures ([Section 54.705](#)), or signs ([Article 11](#)).
- (7) 8) Permit and Exemptions.** A permit is required for structural amenities unless it meets the following exemptions, and the structural amenities must meet the requirements of 54.702(G):
  - (a)** Enclosed structural amenities less than sixteen (16) square feet in floor area/footprint. Examples of such amenities include dog/bat/bird houses, treehouses, library boxes, and garden sheds.
  - (b)** Open/Unenclosed structural amenities, such as children's playsets, and seasonal or collapsible temporary structures such as tents and similar shelters less than 160 square feet in floor area.
  - (c)** Tents designed for temporary occupancy (14 days or less), used on private property with the property owners' permission.

**(I) Food Production, Minor.** Where Minor Food Production is permitted, the permitted structure encroachments are regulated in [Section 54.6198](#).

## **Section 54.705      Accessory Buildings and Structures**

All accessory buildings and structures must meet the setback and height requirements of [Article 4](#) unless otherwise stated in this Section or in another section of this Ordinance applicable to accessory buildings and structures. No accessory building or structure may be located on any parcel



of land which does not have a principal building or use already established or being established contemporaneously with the accessory building or structure.

**(A) Accessory Buildings and Structures in the Low Density Residential (LDR) District, Medium Density Residential (MDR) District, and Mixed-Use (M-U) District.**

- (1) Attached Accessory Buildings and Structures.** Where the accessory building or structure is structurally attached to a main building, it shall be subject to, and must conform to, all yard regulations of this Ordinance, applicable to main building.
- (2) Location.** Detached accessory buildings or structures shall not be located in any required yard setback except as permitted in [Section 54.705\(A\)\(4\)](#).
- (3) Maximum Lot Coverage.** Detached accessory buildings or structures (such as concrete or asphalt structures) shall not occupy more than twenty-five percent (25%) of a rear yard area, provided that in no instance shall the total ground floor area of the detached accessory buildings exceed the ground floor area of the main building and provided the impervious surface coverage limits of the lot (see [Article 4](#)) are not exceeded.
  - (a)** If the main structure's footprint is less than 500 square feet at full build out, an accessory structure may exceed the ground floor area of the main structure (home) by up to 10 percent of the footprint area of the main structure. An accessory structure footprint may be increased to equal that of the main structure if the main structure is remodeled to more than 550 square feet.
  - (b)** Patio **Pervious** pavers **that are used for accessory structures such as patios, sidewalks, etc.** that allow infiltration are not included in the 25% calculation.
- (4) Separation and Setback Distances.** No permanent accessory building or structure shall be located in a minimum front yard setback. No detached accessory building shall be located closer than five (5) feet to any main building nor closer than three (3) feet from a side or rear lot line, except swimming pools, which are regulated in [Section 54.707](#). Non-building accessory structures (e.g., fences and steps) or open buildings (i.e., a shelter without walls including an open lean-to or open carports) are not subject to the minimum separation distance requirements unless a minimum separation distance is required by the Building Official.
- (5) Maximum Height.** Unless otherwise stated in this Ordinance, no attached or detached accessory building or structure in a the LDR, MDR, and M-U Districts shall exceed sixteen and one-half (16.5) feet in height. The height of Accessory Dwelling Units must comply with [Section 54.6121](#).
- (6) Shipping containers, cargo containers, or semi-trailers are prohibited as accessory structures.**

**(B) Accessory Buildings and Structures in the Multiple Family Residential (MFR) District.** In the MFR District, accessory buildings and structures for multiple-family buildings and apartments with 5+ dwelling units must meet the requirements of [Section 54.6165\(C\)](#). For all other uses in the MFR District, the following requirements apply:

- (1) Detached Accessory Buildings and Structures.**

(a) **Maximum Height.** No detached accessory building or structure may exceed 16.5 feet in height.

(b) **Minimum Side and Rear Yard Setbacks.** Detached accessory buildings or structures for a duplex shall be located at least six (6) feet from the side and rear property lines, and for a single-family home shall be located at least (3) feet from the side and rear property lines. For all other uses in the MFR District besides multiple-family buildings and apartments, detached accessory buildings or structures shall be located at least ten (10) feet from the side and rear property lines.

(c) **Front Yard Location Prohibited.** No detached accessory building or structure shall be located in a front yard.

(d) **Maximum Lot Coverage.** Detached accessory buildings or structures shall not occupy more than twenty-five percent (25%) of a rear yard area, provided that in no instance shall the total ground floor area of the detached accessory buildings exceed the ground floor area of the main building and provided the impervious surface coverage limits of the lot (see [Article 4](#)) are not exceeded.

(i) If the main structure's footprint is less than 500 square feet at full build out, an accessory structure may exceed the ground floor area of the main structure (home) by up to 10 percent of the footprint area of the main structure. An accessory structure footprint may be increased to equal that of the main structure if the main structure is remodeled to more than 550 square feet.

(ii) Pervious pavers that are used for accessory structures such as patios, sidewalks, etc. that allow infiltration are not included in the 25% calculation.

(e) **Separation and Setback Distances.** No detached accessory building or structure shall be located closer than five (5) feet to any main building. Non-building accessory structures (e.g., fences and steps) or open buildings (i.e., a shelter without walls including an open lean-to or open carports) are not subject to the minimum separation distance requirements unless a minimum separation distance is required by the Building Official.

(f) Shipping containers, cargo containers, or semi-trailers are prohibited as accessory structures.

(2) **Attached Accessory Buildings and Structures.** Attached accessory building or structure shall meet the yard requirements of the Schedule of Regulations ([Article 4](#)).

(3) **Swimming Pools.** Outdoor swimming pools shall not be located closer than ten (10) feet to any building or lot line. The pool must comply with [Section 54.707](#).

#### **(F) Accessory Buildings and Structures in Mobile Home Park (MHP) District.**

##### **(1) Detached Accessory Buildings and Structures.**

(a) **Maximum Height.** No detached accessory building or structure may exceed 24 feet in height.

(b) **Minimum Side and Rear Yard Setbacks.** Detached accessory buildings or structures shall be located at least six (6) feet from the side and rear property lines.

(c) **Front Yard Location Prohibited.** No detached accessory building or structure shall be located in a front yard.

(d) **Separation and Setback Distances.** No detached accessory building or structure shall be located closer than five (5) feet to any main building. Non-building accessory structures (e.g., fences and steps) or open buildings (i.e., a shelter without walls such as a pergola) are not subject to the minimum separation distance requirements unless a minimum separation distance is required by the Building Official.

(F) **G Exemptions.** Structural amenities, as described and regulated in [Section 54.702\(GH\)](#), are not classified as accessory buildings and structures in this Ordinance.

(G) **H Structures Accessory to Food Production, Minor.** See [Section 54.6198](#).

(H) **I Temporary Structures in all Zoning Districts.** The City may permit temporary structures in any zoning district during the duration of a permitted temporary land use, subject to the following requirements:

(1) **Outdoor Temporary Retail Sales and Service Areas.** Temporary structures for outdoor retail sales and service areas must meet the requirements of [Section 54.638](#).

(2) **Outdoor Entertainment and Community Events.** Temporary structures for outdoor entertainment and community events must meet the requirements of [Section 54.635](#). Structures erected for approved *Outdoor Entertainment and Community Events* uses must be removed when each discrete event ends, unless otherwise stated in the Zoning Compliance Permit for the event(s).

(3) **Applications and Permits.**

(a) ~~The property owner must contact the Zoning Administrator to determine if a~~ A Zoning Compliance Permit is required prior to the establishment of a temporary structure, with exceptions as stated below. The property owner must also contact the County Building Code Administrator to determine if a building permit is required. Temporary structures intended to be used for non-customary commercial activity (e.g., those requiring Special Land Use permits, use for recurring sales in a parking lot, or an alcohol permit) require the approval of the Zoning Administrator and the Fire Administrator prior to erection and use before being erected.

(b) **Exempt Temporary Structures.** The following temporary structures are exempt from a Zoning Compliance Permit but shall conform to applicable height, yard/setback, and greenbelt standards for their zoning district:

(i) Structures that are reviewed and approved with a business license issued by the City Clerk.

(ii) Structures erected via municipal or DDA authority for programmed or permitted outdoor seasonal activities and events.

- (iii) Structures that meet the structural amenities exemption per [Section 54.702\(H\)\(8\)](#), such as residential structural amenities, such as tents and patio canopies.
- (iv) Small fabric structures for accessory uses - except *temporary retail sales or services*, or for *Outdoor Entertainment and Community Events* purposes - such as an “easy-up” tent/shelter, are exempt for one-day events.
- (v) Enclosed structures used as mobile offices and other temporary structures that are being used for and during the construction of permanent facilities that have been approved for zoning compliance.
- (vi) Portable seasonal storage, including portable carports and seasonal portable greenhouses, when in use for less than 180 days per calendar year. Such structures can be used for more than 180 days only with Zoning Compliance Permit approval for permanent use.

**(4) Secure Placement of Temporary Structures.** Temporary structures shall not have foundations or footings, but must be properly secured to the ground.

**(5) Location, Size, and Accessibility.** The location, size, and construction of all temporary structures (including tents [except in Section 54.705\(I\)\(3\)\(b\)](#)) require approval by the Zoning Administrator and the Fire Administrator, and shall conform to applicable height, yard/setback, and greenbelt standards for their zoning district. The location of the temporary structures shall be located in a manner that will not interfere with vehicular or pedestrian mobility, access, or parking, and shall meet Michigan barrier-free requirements. Temporary structures shall not obstruct the entrance to any building or sidewalk, ~~nor shall they obstruct or~~ any barrier-free ramp or access aisle. If temporary structures are located on a private sidewalk, a minimum five (5) foot wide unobstructed pathway shall be maintained on the sidewalk for pedestrian traffic. ~~The Zoning Administrator or Fire Administrator may deny a permit for a temporary structure if the structure interferes with traffic patterns or access to required parking spaces, or if the Zoning Administrator or Fire Administrator determine that the size of the structure is excessive for the temporary land use.~~

**(6) ~~Duration and Removal.~~** The temporary structure must be removed when the associated temporary use has ceased, [or upon reaching the end of the term of permitted use](#). ~~A temporary structure may be permitted for more than 120 days in a 12-month period~~

- ~~(a) Structures for outdoor food and beverage service, whether for indoor or outdoor dining.~~
- ~~(b) Structures erected via municipal or DDA authority for programmed outdoor summer or winter activities.~~
- ~~(c) Structures that are being used in relation to and during the construction of permanent facilities that have been approved for zoning compliance and building permits.~~

~~The Zoning Administrator may extend the period of permission for up to 180 days in total during a 12-month period, in any of the above cases, upon request of the property/structure owner and based on the relevant circumstances (i.e. reason for request)~~

## Section 54.706 Fences and Walls

### (C) Requirements by Zoning District:

#### (1) LDR, MDR, and MFR Districts.

- (a) **Height.** Fences and walls shall not exceed six (6) feet in height, with the following exceptions:

(i) **Adjoining a Lot Containing a One- or Two-Family Dwelling or Adjoining a Vacant Lot that Could Contain a One- or Two-Family Dwelling.** Where a fence or wall is within ten (10) feet of an adjoining lot containing a one- or two-family dwelling or within ten (10) feet of an adjoining a vacant lot that could contain a one- or two-family dwelling; the fence or wall shall not exceed four (4) feet in height if it is located in the side or front yard (see *Section 54.706(C)(1)(a)(iii)* for additional front yard requirements), with the following exceptions:

~~(1) Where the rearmost wall of the neighboring dwelling structure is between the front wall and rear wall of the subject home, a 6-ft. screening fence may be built to the rear of the neighboring dwelling's rearmost wall along that side of the subject property, and each side of the property is treated independently. Where the rearmost portion of the subject property is a shed/garage for vehicle or other storage, and not containing dwelling space, it shall not be counted as the rearmost portion of the dwelling.~~

~~(2)~~ **1) For required retaining walls.**

**(2) On corner lots, a residential screening fence may be six (6) feet tall, located in the rear yard and up to the front wall of the primary dwelling in the side yard.**

**(3) An interior block property adjacent to a corner property may place a 6-ft. tall screening fence within its property boundaries to match the placement allowed on the corner property so that either property has the same opportunity to have a screening fence in directly adjacent areas of their yards.**

**(4) For interior-block residences that are located fully behind the adjacent primary residences along the side lot lines, screening fences may be six (6) feet tall, located in the rear yard and up to the neighboring primary dwellings' rear wall.**

**(5) For interior-block residences, where the rearmost wall of the neighboring primary dwelling structure is between the front wall and rear wall of the subject home, a 6-ft. screening fence may be built to a point aligned on the rear wall of the neighboring primary dwelling in that side yard of the subject property. Each side of the property is treated independently. Where the rearmost portion of the subject property is a shed/garage for vehicle or other storage, and not containing dwelling space, it shall not be counted as the rearmost portion of the dwelling.**

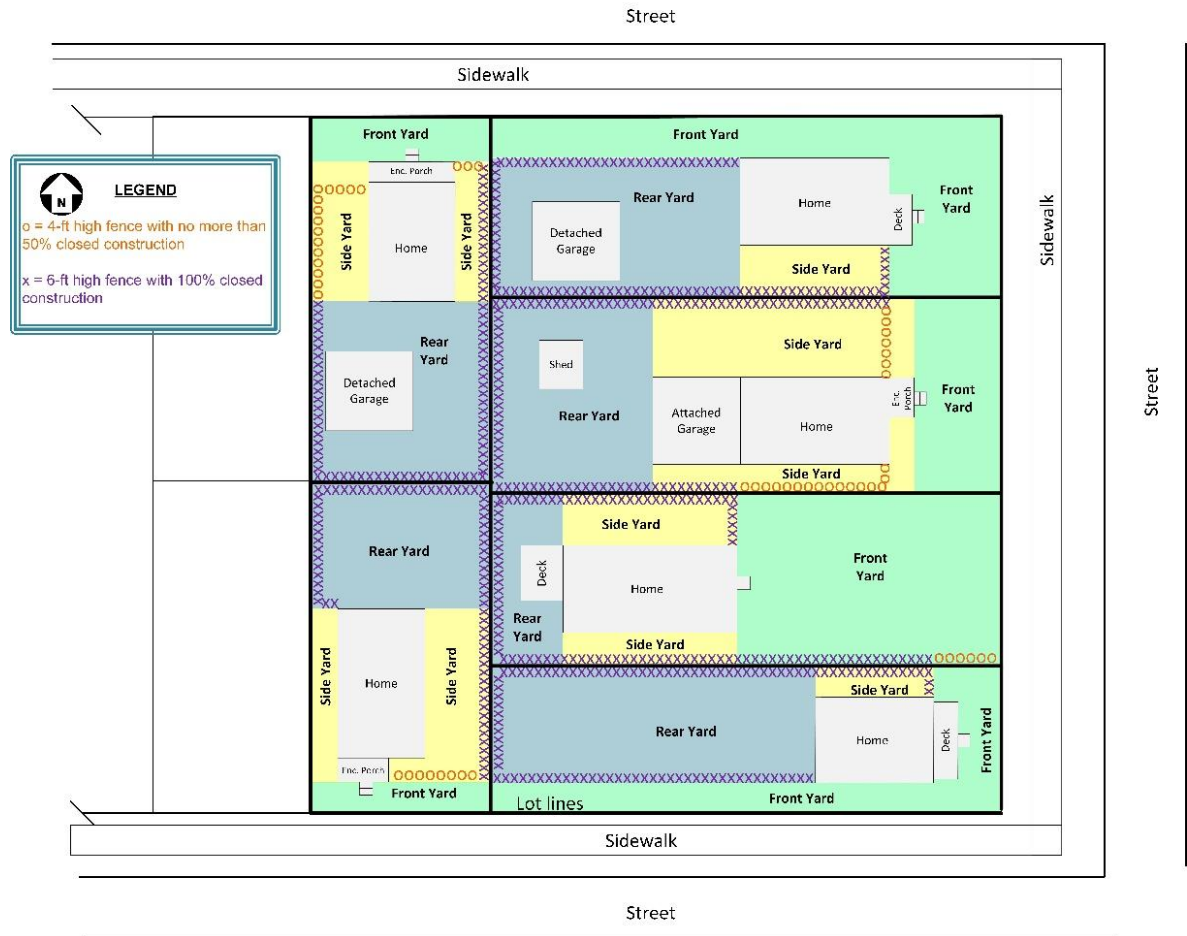
**(ii) Street Sides of Corner Lots.** On the street sides of corner lots, a fence or wall may not exceed four (4) feet in height between the rear **front wall** of the **primary** dwelling and the corner on either street frontage.

**(iii) Front Yard Requirements.** A fence in a front yard may not exceed four (4) feet in height **unless it meets Section 54.706(C)(1)(a)(i) above.** Walls **over three (3) feet in height** are prohibited in a front yard except for retaining walls. **Walls must be set back**

at least (12) inches from the front lot line. The columns in between the walls or fences are allowed to be four (4) feet in height.

- (b) **Construction.** A fence limited to four (4) feet, as stated in [Section 54.706\(C\)\(1\)\(a\)](#) above, may not have more than 50% of the fence area of solid matter or of closed construction (See [Figure 35](#) for examples of noncompliant fences). A six (6) foot high fence may be of solid, opaque construction. A screening fence required by any City ordinance or by State law may be of solid, opaque construction. **Walls may be of solid, opaque construction.**

Figure XX



#### (E) Special Purpose Fences.

- (3) **Temporary Fences.** Temporary fences, as defined herein, may be permitted by the City in conjunction with an approved temporary activity/purposes, such as construction, landscaping and grading erosion control, temporary sales areas, temporary events, or snow and garden fencing (as long as it is not permanently anchored and the use is temporary for the snow or growing season). The type of temporary fencing used must be appropriate for the temporary activity, and in most cases a temporary fence must be installed prior to the temporary activity and should be removed soon after the end of the temporary activity. Temporary fencing that does not meet these standards may be considered a violation of this section. **Temporary garden and snow fences cannot be in place greater than**

6 months in a calendar year. Temporary fencing that is not permanently anchored and the use is temporary does not require a fence permit.

## **SECTION 7. Article 8 – Environmental Performance Standards**

**Chapter 54 – LAND DEVELOPMENT CODE, Article 8 – Environmental Performance Standards is hereby amended as follows:**

### **Section 54.801 Standards Applicable to Industrial Uses, Processes, and Districts**

- (C) **Permits.** Prior to final approval of a Site Plan and/or Special Land Use Permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality Environment, Great Lakes, and Energy (EGLE). The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in Section 54.1402.

### **Section 54.805 Wetland Protection**

All wetlands are located in the Riparian Overlay District ([Section 54.320](#)) and subject to the regulations therein. The Riparian Overlay District includes provisions for definitions, setbacks, buffers, and permitted and prohibited activities within wetlands and wetland buffer areas. Wetlands are defined in the Michigan Natural Resources and Environmental Protection Act (Public Act 451 of 1994, as amended). No activity shall be permitted in a wetland unless done in accordance the Riparian Overlay District and, if necessary, a wetlands permit has been obtained by the applicant from the Michigan Department of Environmental Quality Environment, Great Lakes, and Energy (EGLE).

### **Section 54.807 Standards for Excavation/Mining Activities**

The extraction of sand, gravel, or other raw materials at or below grade and the processing of such materials upon any property are subject to the standards adopted in [Section 54.632](#), provided the state law does not preclude them.

## **SECTION 8. Article 9 – Parking, Loading, and Access Management**

**Chapter 54 – LAND DEVELOPMENT CODE, Article 9 – Parking, Loading, and Access Management is hereby amended as follows:**

### **Article 9 Parking, Loading, and Access Management**

### **Section 54.902 Parking Regulations**

- (E) **Parking Standards Applicable to Specific Zoning Districts.**

- (1) **LDR and MDR Districts and single-family and two-family structures in other zoning districts.**



- (a) **Definition of “Front Area.”** For the purposes of [Section 54.902\(E\)\(1\)](#) only, the “Front Area” is that area located between the edge of the physical street and the nearest point of the dwelling foundation (excluding open porch projections), projected parallel from the street.
- (b) **Off-Site Parking in the LDR and MDR Districts.** In the LDR and MDR districts, off-street parking may be located on a site other than the site to which it pertains, and within the City limits or in an adjacent township.
- (c) **Maximum Rear Yard Paving.** In the LDR and MDR districts, no more than 25% of the rear yard may be paved (including but not limited to asphalt or concrete, but with the exception of compacted gravel) for parking provided the impervious surface coverage limits of the lot (see [Article 4](#)) are not exceeded.
- (d) **“Front Area” Parking Limitations.** Parking in the front area is permitted only on an approved hard surface parking space and/or driveway, or in a garage (see definition of “Hard Parking Surface” in [Section 54.202\(A\)\(92\)](#)). Parking spaces in the front yard area must be at least two (2) feet from the side lot line, at least two (2) feet from the inside edge of a sidewalk, and at least ten (10) feet from the edge of an established street. The encroaching driveways and parking spaces must be drained so as to dispose of all surface water accumulated in such a way as to preclude drainage of water onto adjacent property or toward adjacent buildings. ~~New or expanded driveways must be separated from the side lot line by a minimum of 12 inches of pervious surface (including but not limited to uncompacted pea gravel, cobbles, grass, etc.) to ensure a pervious buffer between driveways and the adjacent lot line, with the exception of the presence of a retaining wall along the subject lot line or other such difficulty. The Zoning Administrator may permit parking in a front area during the winter parking ban period for single family or duplex dwelling units upon request for a Front Yard Parking Waiver for a limited time when the site cannot be altered without causing a hardship on the property owner, or indefinitely in rare cases that the site cannot be reasonably altered to create one (1) additional parking space or a widened driveway. Self-created difficulties, such as adding renters and vehicles, are not applicable to the consideration for a Front Yard Parking Waiver.~~
- (i) Front Yard Parking Waiver.** The Zoning Administrator may permit parking in a front area during the winter parking ban period for single-family or duplex dwelling units upon request for a Front Yard Parking Waiver for a limited time when the site cannot be altered without causing a hardship on the property owner or if the property owner has relevant documented disabilities, or indefinitely in rare cases that the site cannot be reasonably altered to create one (1) additional parking space or a widened driveway. Self-created difficulties, such as adding renters and vehicles, are not applicable to the consideration for a Front Yard Parking Waiver.
- (e) **Maximum Driveway Width and Paved Area.**
- (i) Single-family uses:
- For lots with one driveway - The maximum width of a driveway on a single frontage is 18 feet wide on a lot up to and including 60 feet in width, and 24 feet wide on a lot of more than 60 feet in width.
  - For lots with two driveways - On a lot 100 feet or more in width, the maximum width of both driveways combined is 36 feet wide on the same frontage



- (ii) Duplex/two-family uses - The maximum width of a driveway is 24 feet wide.
  - (iii) A driveway may be widened beginning at a point two (2) feet from the inside edge of a sidewalk or ten (10) feet from the edge of an established street without sidewalks, provided the hard parking surface areas of the driveway or driveways and parking spaces utilize no more than 30% of the front area for single-family dwelling units and no more than 40% of the front area for duplex dwelling units.
  - (iv) An application for the paving of more than 30% of the front area can only be accepted if a variance is first approved for the proposed paving pursuant to [Section 54.1404](#).
  - (v) On corner lots, there shall be two (2) front areas. For single-family dwelling units the overlapped area at the corner may be counted with either front area, but not both, (at the discretion of the property owner) and the two (2) front areas may not be combined for the purpose of exceeding the 30% maximum hard parking surface within either front area. For duplex dwelling units, the overlapped area at the corner may overlap and be combined to utilize up to 40% of the front area for hard parking surfaces in either or both front areas.
- (f) **Maximum Number of Driveway Openings Per Site.** On lots with one (1) frontage, a maximum of two (2) driveway openings per site are permitted, provided the lot is at least 100 feet wide. On lots with more than one (1) frontage, a maximum of one (1) driveway opening per frontage is permitted, except on frontages of 100 ft. or more in length – upon which an additional driveway is allowable. All curb cuts and separation distances must meet the requirements of Chapter 42 of the Code of Ordinances (Streets, Sidewalks, and Other Public Places).
- (g) **Previously Approved Hard Parking Surface Residential Locations.** Hard parking surface residential parking locations approved under a previous ordinance are not subject to provisions of [Section 54.902\(E\)\(1\)](#) provided that the minimum safeguards are met for all parking uses where vision hazards and locations impact public safety.
- (h) Driveway Separation Requirement at Side Lot Line.** New or expanded driveways must be separated from the side lot line by a minimum of 12 inches of pervious surface, including but not limited to turf grass or other ground cover plants, permeable pavers, or other stable cover materials. The requirement may be waived by the Planning Commission or Zoning Administrator, per relevant authority, if physical difficulties exist, such as the presence of a retaining wall along the lot line. This requirement is waived where existing paved driveways owned by neighbors are conjoined (but not necessarily shared) or otherwise meet at the property lines. However, eliminating shared driveways is encouraged to avoid maintenance disputes and other disagreements over time.
- (h i) Application of Parking Development Standards.** All one- and two-family residential parking spaces shall be exempt from the standards of [Section 54.905](#), except that site plans drawn to scale shall be submitted to the Zoning Administrator for review and approval for creation of driveways or parking spaces. Parking spaces may be on pavers or other hard parking surfaces that have an unpaved strip between the surfaces supporting the wheels. For purposes of providing required parking spaces onsite, the minimum dimensions for residential parking spaces shall be nine (9) feet wide by eighteen (18) feet long. Driveways in the front yard must be a full-width hard parking surface. Curb cut and driveway permits shall be obtained from the City Engineer when curb cuts are made or modified or if there is any work in the right-of-way for a driveway.

(H) **Maximum Parking Allowed.** In order to minimize excessive areas of pavement which depreciate aesthetic standards and contribute to higher rates of storm water runoff and higher micro temperatures, exceeding the minimum parking space requirements of [Section 54.903](#) by greater than twenty percent (20%) is prohibited, except as approved by the Planning Commission or Zoning Administrator (see [Article 14](#)). In its request for additional parking spaces, the applicant must submit a parking study to the Planning Commission or Zoning Administrator (see [Article 14](#)) demonstrating that additional parking spaces are needed based on the nature of the use and/or peak times thereof. In determining whether to grant additional parking spaces, the Planning Commission shall also consult the most recent edition of the *Parking Generation*, published by the ITE, or other acceptable standard.

(1) If a site plan proposes to exceed the maximum amount of parking allowed, any parking spaces in an enclosed building would not be considered in violation of the maximum number allowed – since the intent of the maximum is to reduce surface parking - and therefore the spaces may be counted towards the total but any number above the maximum allowed that are indoors would not be counted as above the maximum.

## Section 54.903 Minimum/Maximum Number of Parking Spaces

In all districts there shall be provided off-street parking for motor vehicles for specified land uses. When a public parking lot has been provided by special assessment, the minimum required parking may be reduced by the number of spaces in the public lot representing the same percentage as the property's participation in the special assessment district costs. The minimum/maximum number of spaces to be provided shall be based on the following schedule, which may only be *increased* in accordance with [Section 54.902\(H\)](#) and may only be *reduced* in accordance with the parking reduction standards of [Section 54.902\(G\)](#), [Section 54.908\(D\)](#), or the shared parking standards of [Section 54.902\(C\)](#):

(G) **Parking Reduction Formula.** After calculating the number of parking spaces necessary to meet the standards in [Section 54.903](#), the parking requirements for uses, other than residential, in the non-residential zoning districts (i.e., non-LDR, -MDR, -MFR, and -MHP zoning districts) may be modified using [Figure 43](#). If a greater parking reduction is requested, the City may approve fewer parking spaces based on a professionally prepared parking study and/or the most recent edition of *Parking Generation* published by ITE. Also see [Section 54.908\(D\)](#) for reductions in motor vehicle parking that may be achieved by substitution if bicycle parking spaces are provided in the specified quantity.

## Section 54.905 Parking Layout, Design, Construction, and Maintenance

All off-street parking shall be laid out, constructed, and maintained according to the following standards and regulations:

(G) **Surface and Drainage.** The entire parking lot including parking spaces and maneuvering lanes required under this Section, must be provided with a hard paving surface in accordance with specifications approved by the City Engineer (see definition of “Hard Parking Surface” in [Section 54.202\(A\)\(92\)](#)). The parking area shall be surfaced within (1) year of the date the permit is issued. Off-street parking lots, including the driveways, must be drained so as to dispose of all surface water accumulated in the parking areas and driveways in such a way as to preclude drainage of water onto adjacent property or toward buildings. Storm water management systems are encouraged to include one (1) or more of the Best Management Practices (BMPs) published by the Michigan Department of Environmental Quality (MDEQ) [Environment, Great Lakes, and Energy \(EGLE\)](#) or any

other BMP accepted by the City, such as underground infiltration trenches, rain gardens, cisterns, and swales.

- (L) **Parking Lot Border.** Unless parking lot landscaping and screening is required by [Section 54.1003\(C\)\(1\)](#), a two-foot wide border must be created and maintained between a parking lot, and the adjacent buildings and/or property lines. This border must be landscaped or paved with concrete as a walkway, and may be included in the required snow storage area.

(1) **Exception.** Two adjacent property owners may create a shared parking lot without the necessity of maintaining a two-foot border between their property lines, provided the proposal complies with Section 54.902(C) and the adjacent property owners provide a comprehensive parking easement agreement that identifies responsibilities for various maintenance tasks - including snow removal, repaving, and landscaping upkeep. Furthermore, this parking easement agreement shall be recorded with the Marquette County Register of Deeds.

## **54.908 Bicycle Parking Requirements and Parking Space Reduction/Substitution for Bicycle Parking**

(A) **Intent.** To provide convenient and dignified parking places for bicyclists to store bicycles securely and to support non-motorized travel and travelers within the city.

(B) **Application.** – new/proposed or remodeled buildings (where the likely cost of remodeling will exceed fifty/50 percent of the assessed value of the existing structure at time of application).

(C) **Standards.** Bicycle parking is required to meet the following standards and regulations:

(1) The required amount of bicycle parking shall meet the amount/use schedule for specific land uses, according to [Figure XX](#). Bicycle parking types and options are as shown in [Figure XX](#).

(2) Required short-term bicycle parking facilities shall be located in a convenient and visible area, within fifty (50) feet of a principal entrance. If this location standard cannot be met, the Planning Commission or Zoning Administrator may approve alternative locations. At the time of application, if there are no parking/storage locations on private property that meet the requirements of this section, the installation requirement will be non-binding.

(3) Bicycle parking spaces should be located on paved or pervious surfaces and shall be a minimum of two (2) feet by six (6) feet. The installation of parking racks shall follow the manufacturer's specifications or other best practices, ensuring that comfortable access space around bicycle racks is provided, parked bicycles do not obstruct walkways, and the spaces are accessible without requiring the movement of another bicycle.

(4) All bike racks must permit the locking of the bicycle frame and one (1) wheel to the rack while supporting a bicycle in a stable position. Racks shall accommodate cable locks and "U" locks.

(5) For multi-building development, bicycle parking shall be provided for each building occupied by a dwelling or a work station.

(6) Bicycle parking not meeting dimensional or access aisle requirements may be installed, but shall not count towards a minimum bicycle parking requirement.

### **(D) Motor Vehicle Parking Space Reduction by Bicycle Parking Substitution**

(1) For every four (4) bicycle parking spaces added above the minimum number required, one (1) vehicle parking space may be removed from the required amount. Maximum substitution

amount of three (3) vehicle spaces. The minimum number of vehicle parking spaces required after substitution is two (2).

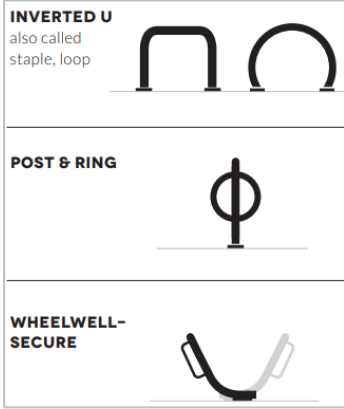
- (2) Bicycle parking substituted for *motor vehicle/car and truck* parking may be horizontal or vertical, as long as dimensional requirements are met as described in section 54.908(A)(5)

**Figure xx. Bicycle Parking Calculations**

| LAND USE TYPE                                                                | PARKING STANDARDS – MINIMUM SPACE REQUIREMENTS                                                                                    |
|------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| A) RESIDENTIAL: Single-Family 1-4 units                                      | A) No spaces required, but storage space should be allocated.                                                                     |
| B) RESIDENTIAL: Multi-Family 5+ units w/ Private Garage Space for Units      | B) 1 weather-protected/sheltered space for any units without a garage or other large storage space.                               |
| C) RESIDENTIAL: Multi-Family 5+ units w/o Private Garage Space for Each Unit | C) 1 sheltered space per dwelling unit.                                                                                           |
| OFFICE                                                                       | 2 spaces + 1 sheltered space for each 10 employees per shift (e.g. 34 employees per shift = 3 sheltered spaces + 2 others)        |
| RETAIL                                                                       | 2 spaces + 1 additional space/10,000 sq. ft. of floor area + 1 sheltered space / 20 employees per shift (part-time or full-time)  |
| RESTAURANT or TAVERN                                                         | 2 spaces + 1 additional space/5,000 sq. ft. of floor area + 1 sheltered space/20 employees per shift                              |
| ASSEMBLY, INDOOR RECREATION, and OUTDOOR RECREATION uses.                    | 2 sheltered spaces + 1 add'l sheltered space/10,000 sq. ft. of floor area + minimum of 1 sheltered space / 20 employees per shift |
| A) CIVIC: Non-assembly                                                       | 2 spaces + 1 add'l space/10,000 sq. ft. of floor area or minimum of 1 space / 20 employees per shift                              |
| B) CIVIC: Assembly                                                           | 2 sheltered spaces + 1 add'l sheltered space/10,000 sq. ft. of floor area + minimum of 1 sheltered space / 20 employees per shift |
| LODGING                                                                      | 2 sheltered spaces + 1 sheltered space / 20 employees per shift                                                                   |

**Figure xx. Bicycle Parking Types**

This table shows five common types of Bicycle Parking facilities appropriate for short-term and long-term bicycle parking and includes basic design/performance standards. Please reference the Association for Pedestrian and Bicycle Professionals Bicycle Parking Guide for more detailed design and placement guidance.

| Parking Type                                                                                                                                                                                                                                     | Standards                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Bicycle Racks</b></p> <p>Short-term parking</p>  <p>INVERTED U<br/>also called<br/>staple, loop</p> <p>POST &amp; RING</p> <p>WHEELWELL-<br/>SECURE</p> | <p>Bicycle Racks shall be capable of securing bicycles short-term (less than a day) with either two points of contact or by an element that cradles one wheel. Simple, easily identifiable forms, like the <i>Inverted U-rack</i> (shown at left) should be used.</p> <p>&lt;&lt; Recommended Types shown.</p> <p>Consult the “Essentials of Bike Parking” Guide published by the Association of Pedestrian and Bicycle Professionals for more details.</p> |
| <b>Bicycle Rack – Decorative/Public Art</b>                                                                                                                                                                                                      | Decorative racks shall be recognizable as bicycle                                                                                                                                                                                                                                                                                                                                                                                                           |

|                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Short-term Parking (less than 4 hours)</p>  | <p>parking facilities and shall be held to the same performance standards as other bicycle racks. Such racks may be provided for and designed to enhance civic buildings, <i>civic spaces</i>, and other locations of social or cultural importance. These may not perform as well as other options in small spaces and should be used strategically.</p>                                                                                        |
| <p><b><i>Bicycle Shelters</i></b></p>          | <p><i>Bicycle Shelters</i> shall be highly recognizable and integrated with transit, parks, trailheads, and/or land uses requiring medium or long-term bicycle parking needs. Each shelter shall include bicycle parking racks capable of securing bicycles with at least two points of contact, and may include other bicycling amenities, such as wayfinding maps/signs, air pumps, etc. These are designed for all-day or longer parking.</p> |
| <p><b><i>Bicycle Locker</i></b></p>            | <p><i>Bicycle Lockers</i> are intended for long-term storage and shall be placed in highly visible and well-lit locations, but should not disrupt the function, safety and order of the public realm. They should be associated with land uses and transportation facilities where long-term parking is required.</p>                                                                                                                            |

**SECTION 9. Article 10 – Landscaping and Screening**  
**Chapter 54 – LAND DEVELOPMENT CODE, Article 10 – Landscaping and Screening is hereby amended as follows:**

**Article 10 Landscaping and Screening**

**Section 54.1002 Scope of Application**

- (A) **Uses, Lots, Sites, and Parcels for Which Site Plan Review is Required.** The requirements set forth in this Article shall apply to all uses, lots, sites, and parcels for which Site Plan Review is required and which are developed or expanded following the effective date of this Ordinance. No site plan shall be approved unless that site plan shows landscaping consistent with the provisions of this Article. Furthermore, where landscaping is required, a Zoning Compliance Permit shall not be issued until the required landscape plan is submitted and approved, ~~and a Certificate of Occupancy shall not be issued unless provisions set forth in this Article have been met or a performance guarantee has been posted in accordance with the provisions set forth in [Section 54.1402\(H\)](#).~~
- (B) **Existing Buildings.** ~~Meeting the requirements of this Article are optional, in cases where the use of an existing building changes or an existing building is re-occupied and for building and/or site alterations that do not require Site Plan Review.~~ **Meeting the requirements of this Article is optional only if the proposed building and/or site alterations do not require Site Plan Review.**

- (C) **Additional Requirements for Landscaping.** The requirements of this Article are minimum requirements, and nothing in this Article shall preclude a developer and the City from agreeing to more extensive landscaping.
- (D) **Existing Landscaping.** Existing landscaping that meets the requirements of this Article may be used to comply with the requirements of [Section 54.1003](#).
- (E) **Uses that do not require site plan review.** Uses that are exempt from site plan review, such as single-family residential must meet [Section 54.1004](#) and [Section 54.1005](#) at all times.
- (F) **Performance Guarantee.** In accordance with [Section 54.1402\(H\)](#), a performance guarantee for landscaping may be required.

## Section 54.1003 Landscaping Design **Buffering and Screening** Requirements

Except as otherwise specified in the general requirements for each zoning district or for the specific land use, all landscaping must conform to the following standards. The clear vision triangle area requirements of [Section 54.704](#) must also be met. Existing landscaping that meets the requirements of this Article may be used to comply with the following standards:

- (B) **Frontage Landscaping.** Where the proposed development/improvements on a site are within a frontage that abuts a public right-of-way, the following landscaping shall be provided in the front yard adjacent to that right-of-way in an area that corresponds in length to the extent of the improvements, (see [Figure 48](#) below) provided there is sufficient area within the front yard for frontage landscaping:

| Type of Landscaping         | Minimum Required Landscaping                               |
|-----------------------------|------------------------------------------------------------|
| Deciduous or Evergreen Tree | 1 per 450 linear feet of road frontage or fraction thereof |
| Ornamental (Flowering) Tree | 1 per 100 linear feet of road frontage or fraction thereof |
| Shrubs                      | 84 per 40 linear feet of road frontage or fraction thereof |

The depth of the frontage landscaping area shall be sufficient to contain the required landscaping and ensure the survivability of plant material. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, or in groupings. However, the Planning Commission or Planning Director, as applicable (see [Figure 51](#)), may require the planting design to use massing or groupings of materials to create a stronger visual impact from the public right-of-way.

### Example of Frontage Landscaping

Length of Road Frontage: 250 linear feet minus 30 foot driveway = 220 feet

#### Required Number of Plants

|                              |                                                                      |
|------------------------------|----------------------------------------------------------------------|
| Deciduous or evergreen trees | 220 ft./450 ft. = 64 deciduous or evergreen trees                    |
| Ornamental trees             | 220 ft./100 ft. = 3 ornamental trees                                 |
| Shrubs                       | (220 ft./40 ft.) x 84 = 4822 shrubs                                  |
| TOTAL                        | 64 deciduous or evergreen trees, 3 ornamental trees, and 4822 shrubs |



## PROPOSAL IS TO DELETE THE EXISTING LANGUAGE AND ADD THE PROPOSED LANGUAGE

### **~~(D) Buffer and Greenbelt Requirements.~~**

- ~~(1) Intent.~~** It is the intent of this section to provide suitable transitional yards for the purpose of reducing the impact of and conflicts between incompatible land uses abutting district boundaries.
- ~~(2) Buffer and Greenbelt Schedule.~~** On any lot abutting a zoning district boundary, no structure, building or part thereof shall hereafter be erected, constructed, altered or maintained closer to the district boundary line than specified (in feet) in the following schedule ([Figure 50](#)). Where indicated, landscape planting is required.

**Figure 50. Required Buffer and Greenbelt Specifications**

| District in which Buffer and Greenbelt is Required (below) | Abutting Zoning District |                   |                   |                   |                   |                   |              |                   |
|------------------------------------------------------------|--------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|--------------|-------------------|
|                                                            | LDR and MDR              | MFR               | MHP               | M-U               | CBD               | GC and RC         | C, M, and CR | I-M and BLP       |
| LDR and MDR                                                | N/A                      | N/A               | N/A               | N/A               | N/A               | N/A               | N/A          | N/A               |
| MFR                                                        | 30 <del>(a)</del>        | N/A               | N/A               | 35                | 35                | 35                | N/A          | 40 <del>(a)</del> |
| MHP                                                        | N/A                      | N/A               | N/A               | N/A               | N/A               | N/A               | N/A          | N/A               |
| M-U                                                        | 15 <del>(a)</del>        | 15 <del>(a)</del> | N/A               | N/A               | N/A               | N/A               | N/A          | 20 <del>(a)</del> |
| CBD                                                        | 15 <del>(b)</del>        | 15 <del>(b)</del> | N/A               | N/A               | N/A               | N/A               | N/A          | 10 <del>(a)</del> |
| GC and RC                                                  | 40 <del>(b)</del>        | 40 <del>(b)</del> | N/A               | N/A               | N/A               | N/A               | N/A          | 20 <del>(b)</del> |
| C, M, and CR                                               | N/A                      | N/A               | N/A               | N/A               | N/A               | N/A               | N/A          | N/A               |
| I-M and BLP                                                | 40 <del>(c)</del>        | 40 <del>(c)</del> | 40 <del>(c)</del> | 25 <del>(c)</del> | 25 <del>(c)</del> | 25 <del>(b)</del> | N/A          | N/A               |

- ~~(a)~~ Within this buffer area, one (1) tree per 30 linear feet is required.
- ~~(b)~~ Within this buffer area, one (1) tree per 20 linear feet is required, and at least 50% of the trees must be evergreen trees. Where a CBD, GC, or RC district abuts any residential district, a fence at least four (4) feet in height shall be erected within the business district boundary, except where the boundary is a public right-of-way.
- ~~(c)~~ A staggered double row of evergreen trees spaced 15 feet on center. The planting shall be in a manner where the evergreen trees provide 80% opacity within three (3) years of planting, measured at six (6) feet above the grade. After three (3) years, if this opacity is not achieved then additional evergreen trees and/or evergreen shrubs must be planted to achieve 80% opacity at the time of their planting. Where an I-M or BLP district abuts any residential district the Planning Commission may require a screening fence, not to exceed 12 feet in height to be erected on the industrial property pursuant to [Section 54.706](#) to obscure the industrial use and storage from the adjacent residential property.

### **~~(3) Exceptions to Buffer and Greenbelt Schedule.~~**

- ~~(a)~~ Where the district boundary is the centerline of a right-of-way, the greenbelt and buffering standards of this sub-section do not apply in these areas and other landscaping and buffering requirements of this Article apply instead (e.g., frontage landscaping requirements and

loading area requirements).

- (b) In all cases where buffer and greenbelt requirements are not applicable, the required yard is the same as the minimum yard setback requirements in [Article 4](#), Schedule of Regulations.

## NEW PROPOSED LANGUAGE

### (D) Greenbelt/Buffer Yard Requirements.

- (1) **Intent.** It is the intent of this section to provide landscaped buffer yards, or greenbelts, for the purpose of buffering negative impacts of, and conflicts between, different land uses.

- (2) **Greenbelt Location Requirements.** All greenbelts will be created in the existing side and/or rear yards of the property where development has been proposed and approved for zoning compliance. When located adjacent to a residential use, park or public multi-use path, the following land uses (per section 54.306) must provide a landscaped buffer on their property:

- (a) *Multiple-Family Residential dwellings with >5 units, Mobile Home Park, Nursing Home and Convalescent Home uses, Extended Care and Assisted Living Facilities.*
- (b) *Industrial Uses (except Light Manufacturing – Low Impact uses).*
- (c) *Lodging, Commercial, and Retail uses (except the following uses Indoor Retail Business, Child/Day Care Center, and Service Establishments).*
- (d) *Public and Quasi-Public Uses and Medical Uses.*
- (e) *Other Uses with the exception of Accessory Buildings or Structures, Accessory Use, Non-Single Family Residential Lots, Minor Food Production uses, Small Wind Energy Systems-Roof Mounted, Solar Energy Systems <20Kw-Accessory Use.*
- (f) Any twenty-four (24) hour non-residential use of property.

### (3) Dimensional Requirements and Screening Options.

- (a) **Width.** The greenbelt must be **at least ten (10) feet in width**, measured from the shared property line, with the following exceptions:
  - (i) **Thirty (30) feet** is required for Industrial Uses (except *Light Manufacturing – Low Impact* uses) adjacent to any of the following uses: residential, mobile home parks, nursing-convalescent-assisted living facilities, lodging, public and quasi-public, medical, child/day care centers, and service establishments. In addition, this requirement will apply as stated above where the Industrial Use is adjacent to the following zoning districts: Central Business District, any Residential zoning districts, Mixed-Use, Downtown Marquette Waterfront (except where Industrial uses are a permitted use), Third Street Corridor, and Civic.
  - (ii) **Fifteen (15) feet** is required for Industrial Uses (except *Light Manufacturing – Low Impact* uses) and Multiple-Family 5+ dwelling units adjacent to all other uses.
- (b) **Existing Vegetation.** The preservation of existing, high-quality trees and vegetation is strongly encouraged and may be considered as a screening option or incorporated into proposed landscape screening to meet the requirements.



- (c) **Buffer screening Options.** Trees, shrubs, berms, opaque walls and fences can be used to create a visual screening buffer, per [Section 54.1003\(D\)\(4\)](#).

**(4) Greenbelt Landscaping Standards.**

- (a) Within the buffer area, at least one (1) tree per 25 linear feet is required. At least forty (40) percent of the trees must be large-maturing evergreen trees and at least forty (40) percent must be large-maturing deciduous trees, except where in consultation with the City Arborist, the Zoning Administrator or Planning Commission approves a variation in tree types and sizes based on site factors that prevent physically large sizes, such as overhead utilities. Alternatively, eight (8) shrubs compatible with [Section 54.1003\(B\)](#) may be substituted for each required tree. Trees and shrubs may be planted at uniform intervals, at random, or in groupings.
- (b) Turf grass, sod, forbs, or other climatically suitable live plant materials shall be planted over the entire greenbelt area, except where non-vegetative features are permitted.
- (c) For proposals that require a 15-ft. or 30-ft. greenbelt ([Section 54.1003\(D\)\(3\)\(a\)](#)), a staggered double row of evergreen trees spaced 15-feet on center, with an opacity of approximately eighty (80) percent within three (3) years of planting, measured at six (6) feet above grade. After three (3) years, if opacity is not achieved then additional evergreen trees and/or shrubs must be planted to achieve 80% opacity at the time of planting.
- (d) Where an I-M or BLP zoning district abuts any Residential district, the Planning Commission may require a screening fence of up to twelve (12) feet in height to be erected on the Industrial or BLP property pursuant to [Section 54.706](#) to obscure the industrial use and storage from the adjacent residential property.
- (e) Where a CBD, GC, or RC district abuts any residential district, a fence at least four (4) feet in height shall be erected within the business district boundary, except where the boundary is a public right-of-way.

**(5) Reduction or Exemption of Greenbelt Requirements**

- (a) **Reduction.**
  - (i) The minimum width of a required buffer may be reduced by up to one-third ( $1/3$ ) with the installation of a six-foot high solid fence or wall along the property line.
  - (ii) If a required greenbelt (perimeter landscape buffer) abuts a public alley, then up to one-half ( $1/2$ ) of the alley width may be credited towards the minimum width requirement.
- (b) **Exemption.** A greenbelt buffer is not required if the existing topography is a steep slope such that a fence or a buffer would not make a difference for the adjacent property.

**(6) Development within Greenbelt**

- (a) The following items shall be permitted within the landscape buffer:
  - (i) Sidewalks, trails, multi-use paths, structural amenities, and playgrounds.
  - (ii) Stormwater management facilities provided that they do not interfere with the performance and maintenance of the greenbelt.
- (b) The required greenbelt shall not contain any development, vehicle storage, dumpsters, outdoor storage, impervious surfaces or site features that do not

meet the standards or requirements of [Section 54.1003\(D\)](#).

(F) **Garbage and Dumpster Screening.** If the garbage and dumpster area is not screened by an intervening building from a perpendicular view from any public street rights-of-way or adjacent residential zoning district, then an enclosure of sufficient height to completely screen the dumpster is required on three (3) sides of the dumpster. An enclosure gate is optional. The height of the enclosure shall be not less than six (6) feet or at least one (1) foot above the height of the dumpster, whichever is greater. Enclosures shall meet the following standards:

- (1) The enclosure must be constructed of brick, decorative concrete, pressure-treated or wolmanized **rot-resistant** wood, cedar, chain link with slats, or vinyl composite material which **that** matches or complements the principal building or structure. **Materials not listed may be proposed and may be considered by the Planning Commission or Zoning Administrator for approval with a Site Plan or Zoning Compliance Permit.**
- (2) Enclosure gates must be constructed of solid metal or steel-reinforced wood, cedar, chain link with slats, or vinyl composite material. If wood other than cedar is used, it must be pressure treated or wolmanized

## Section 54.1004 Standards for Plant Materials

(B) **Recommended Species of Trees, Shrubs, and Perennials.** The plant palette should emphasize native trees, shrubs, and perennials which are hardy to the Upper Peninsula region. Any tree species and cultivar applicable for planting in USDA Cold Hardiness Zone 5a (-15 to -20°F average coldest winter temperature) can be considered for planting, with the exception of the prohibited species listed in [Section 54.1004\(C\)](#). The following is a list of recommended species and required minimum sizes of plant materials. The City of Marquette may permit other species that are not listed below or remove species listed below if they become undesirable.

| Recommended Plant Type and Size                                   | Common Name                                                                                                                                                                                                                                                |
|-------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Evergreen Trees (8 feet minimum height)                           | Canadian Hemlock, Eastern Red Cedar, <del>European Larch, Scotch Pine</del> , White Pine, Black Hills Spruce, Colorado Green Spruce, Engelmann Spruce, <del>Norway Spruce</del> , <b>Eastern Larch, White Spruce, Balsam Fir</b>                           |
| Deciduous Trees ( <b>1.5</b> <del>3</del> -inch minimum caliper)  | Sugar Maple varieties, Red Maple varieties, <del>Amur Cork Tree</del> , American Yellowwood, Bicolor Oak, Swamp White Oak, <del>Little Leaf Linden</del> , Ohio Buckeye, <b>American Basswood</b>                                                          |
| Ornamental Trees ( <b>1.5</b> <del>2</del> -inch minimum caliper) | <del>Dolgo Crabapple, Siberian Crabapple</del> , Cockspur Hawthorn, Blackhaw Viburnum, Nannyberry Viburnum, Tulip Tree, <b>American Plum, native Crabapple, native Apple, native Serviceberry, other native fruit trees suitable for a warming climate</b> |

|                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Deciduous Shrubs (3 feet minimum height)</b>                                                                        | Arrowwood Viburnum, <del>Wayfaring Tree</del> , Nannyberry, <del>European Cranberry</del> , American Cranberry, American Cranberry, Redosier Dogwood, <del>Siberian Dogwood</del> , Fragrant Sumac, Staghorn Sumac, Bush Cinquefoil, <del>Tatarian Honeysuckle</del> , Winterberry, American Elder, <del>native Ninebark</del> , <del>Highbush Blueberry</del> , <del>New Jersey Tea</del> , <del>Carolina Allspice</del> , <del>Chokecherry</del> , <del>Northern Bush Honeysuckle</del> , <del>American Fly Honeysuckle</del> , <del>native Thimbleberry</del> , <del>Pussywillow</del> , <del>Black Elderberry</del> , <del>Meadowsweet</del> , <del>native Serviceberry</del> |
| <b>Evergreen Shrubs (18 inches minimum height for low growing species and 30 inches minimum for all other species)</b> | <del>American Arborvitae</del> , Common Juniper, Creeping Juniper, Bush Cinquefoil, Canada Yew, Amur Privet, <del>Mugo Pine</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

**(C) Prohibited Species.** Based on the undesirability of the following species, they are prohibited from being planted as required landscaping. The Planning Commission or Planning Director may prohibit other species that are not listed below:

Ash, Amur Cork, Amur Privet, Aspen, Black Locust, Blue Spruce, Box Elder, Buckthorn, ~~Burning Bush~~, Cottonwood, Elm, ~~European Cranberry~~, Ginko (female), Honey Locust (w/ thorns), Honeysuckles (except for American Fly Honeysuckle), Horse Chestnut (nut bearing), Jack Pine, ~~Japanese Barberry~~, Norway Maple (unless a specific species is accepted), Olive, Phragmites, Poplar, Purple Loosestrife, Rose-multiflora, ~~Scotch/Scots Pine~~, Silver Maple, ~~Tatarian Honeysuckle~~, Tree of Heaven, ~~Wayfaring Tree~~, Willow, and any other species declared to be a noxious species by a City ordinance or official qualified to deem a species as noxious.

| Prohibited Species                                     |
|--------------------------------------------------------|
| Ash                                                    |
| Aspen                                                  |
| Black Locust                                           |
| Blue Spruce                                            |
| Box Elder                                              |
| Buckthorn                                              |
| Cottonwood                                             |
| Elm                                                    |
| Ginkgo (Female)                                        |
| Honey Locust (with thorns)                             |
| Honeysuckle                                            |
| Horse Chestnut (nut bearing)                           |
| Jack Pine                                              |
| Multiflora Rose                                        |
| Norway Maple (unless a specific species is acceptable) |
| Olive                                                  |
| Phragmites                                             |
| Poplar                                                 |
| Purple Loosestrife                                     |

|                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------|
| Silver Maple                                                                                                                |
| Tree of Heaven                                                                                                              |
| Willow                                                                                                                      |
| Any species of plant deemed to be a noxious species by a City Code or City Official qualified to deem a species as noxious. |

## SECTION 10. Article 11 – Signs

Chapter 54 – LAND DEVELOPMENT CODE, Article 11 – Signs is hereby amended as follows:

### Article 11 Signs

#### Section 54.1103 Definitions

Delete “(B) Sign Definitions, Sign Types.” and “(C) Sign Definitions, General” and combine them into “(B) Sign Definitions”.

#### **(B) Sign Definitions.**

- (1) Abandoned Sign:** A sign that no longer identifies or advertises an ongoing business, product, location, service, or activity conducted. Whether a sign has been abandoned shall be determined by the intent of the owner of the sign and shall be governed by applicable Case Law and Statutory Law on abandoned structures.
- (2) Air-Activated Sign:** A type of Temporary Sign that is an air inflated object, is made of a flexible fabric, which may be of various shapes, rests on the ground or structure and is equipped with a portable blower motor that provides constant air flow into the device. Air-activated signs are restrained, attached, or held in place by a cord, rope, cable, or similar method.
- (3) Alteration, Sign:** A sign alteration is any change in copy, color, size, or shape, which changes appearance of a sign, or a change in position, location, construction, or supporting structure of a sign, except that a non-structural copy change on a sign is not an alteration.
- (4) Animated Sign:** A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this Ordinance, include the following types:
  - (a) Animated Sign, Electrically Activated:** Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

(i) **Flashing:** Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this Ordinance, flashing will not be defined as occurring if one cyclical period of on- off phases of illumination exceeds four (4) seconds.

(ii) **Patterned Illusionary Movement:** Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

(b) **Animated Sign, Environmentally Activated:** Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Environmentally Activated Animated Signs includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

(c) **Animated Sign, Mechanically Activated:** Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

(5) **Architectural Projection:** Any projection from a building that is decorative and/or functional and not intended for occupancy and that extends beyond the face of an exterior wall of a building but that does not include signs as defined herein. See also: "Awning;" "Back-lit Awning;" and "Canopy, Attached;" and "Canopy, Freestanding."

(6) **Awning:** An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

**(7) Awning Sign:** A Projecting Sign displayed on or attached flat against the surface or surfaces of an awning. See also: "Projecting Sign." Only the sign or copy area displayed on an awning shall be used to determine the permitted sign area-the entire awning shall not be included in a Sign Area calculation.



Awning Sign



Awning Sign

**(8) Balloon Sign:** A Temporary Sign that is an air inflated object, which, unlike air-activated signs, retains its shape. A balloon sign is made of flexible fabric, rests on the ground or structure, and may be equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached, or held in place by a cord, rope, cable, or similar method.

**(9) Banner:** A flexible substrate on which copy or graphics may be displayed.

**(10) Banner Sign:** A sign utilizing a banner as its display surface.

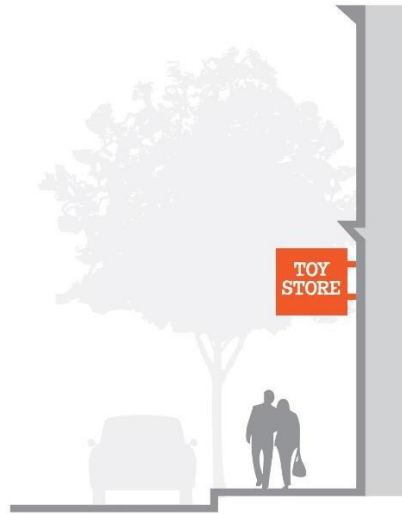


Banner Sign

**(11) Bench Sign:** A sign applied to or affixed to the seat or back of a bench.

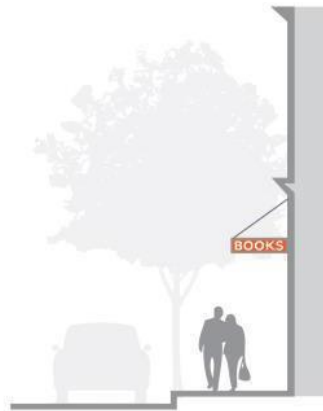
**(12) Billboard:** See Sign, Outdoor Advertising.

- (13) **Blade Sign:** A Projecting Sign, which is suspended from an overhang, canopy, marquee, or awning, or is suspended from a mounting attached directly to the building wall, and hangs perpendicular to the building wall.



- (14) **Building Entrance:** A building entrance that is clearly available as a public entrance, with the exception of businesses that for reasons related to privacy do not clearly indicate a public entrance.
- (15) **Building Frontage:** The length of an exterior building wall or structure, of a single premise, along either a public street or path; parking lot or other property that it faces. The Building Frontage is measured by the linear distance of the building façade.
- (16) **Candela:** The basic unit of measurement of light in SI (metric) units.
- (17) **Candela per square meter (cd/m<sup>2</sup>):** The SI (metric) unit used to describe the luminance of a light source or of an illuminated surface that reflects light. Also referred to as “Nits.”
- (18) **Candle or Candlepower:** Synonymous with Candela, but in Imperial (non-metric) terms, not SI (metric) terms.
- (19) **Canopy (Attached):** A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. Also called a “Marquee.”
- (20) **Canopy (Freestanding):** A multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

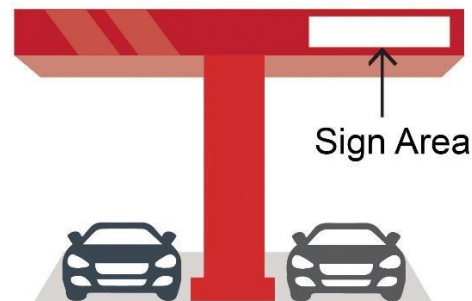
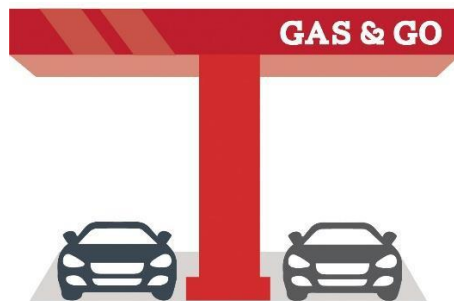
**(21) Canopy Sign:** A permanent Projecting Sign affixed to the side or bottom surface(s) of an attached or freestanding canopy. Such signs may be internally illuminated pursuant to the requirements of this Article.



Canopy Sign



Canopy Sign



Canopy Sign

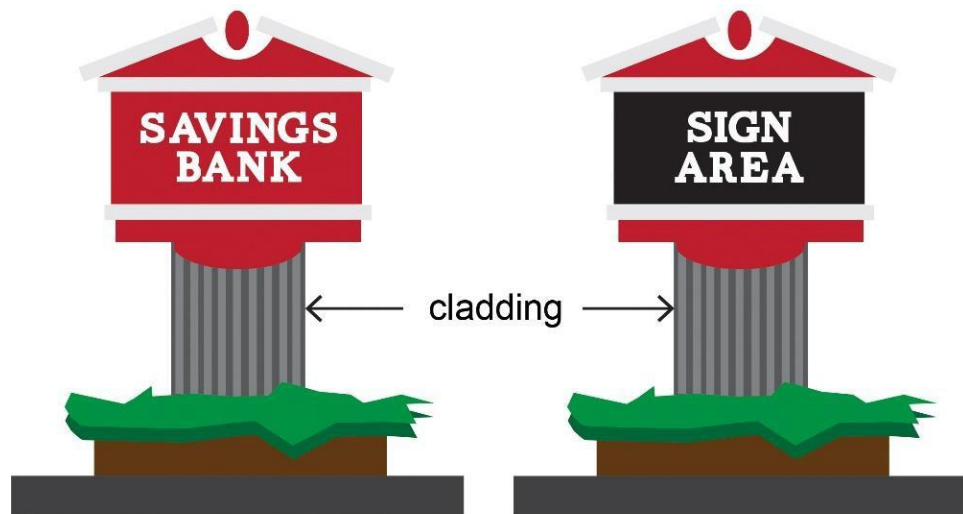
**(22) Changeable Sign:** A sign with the capability of content change by means of manual or remote input, includes the following types:

**(a) Changeable Sign, Electrically Activated:** Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also: "Electronic Message Center" and "Animated Sign."

**(b) Changeable Sign, Manually Activated:** Changeable sign whose message copy or content can be changed manually on a display surface.

**(23) Cladding:** A non-structural covering designed to conceal the actual structural supports of a freestanding sign. Cladding shall not be considered sign area.





**Free standing sign with cladding**

- (24) **Copy:** The graphic content or message of a sign.
- (25) **Directional Sign.** A non-commercial sign that is designed and erected to safely direct the flow of vehicular, pedestrian, and boat traffic, including emergency response vehicles and personnel. Inclusion of a business name or logo on a directional sign is not commercial advertising as that is needed to help identify and direct vehicles and pedestrians to a location.
- (26) **Electric Sign:** Any sign activated or illuminated by means of electrical energy.
- (27) **Electronic Message Center (EMC) Sign:** An electrically activated changeable sign whose variable message and/or graphic presentation capability is electronically programmable. Also known as a digital sign. EMCs typically use light emitting diodes (LEDs) as a lighting source, and liquid-crystal display (LCDs) for light modulation. See also following terms principally associated with Electronic Message Centers:
- (a) **Display Time:** The amount of time a message and/or graphic is displayed on an Electronic Message Sign.
  - (b) **Dissolve:** A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.
  - (c) **Dynamic Frame Effect:** An Electronic Message Sign frame effect in which the illusion of motion and/or animation is used.

(d) **Scroll:** A mode of message transition on an Electronic Message Sign in which the message appears to move vertically across the display surface.

(e) **Transition:** A visual effect used on an Electronic Message Sign to change from one message to another.

(28) **Face:** The portion of a sign upon, against, or through which the message is displayed or illustrated.

(29) **Festoons:** A string of ribbons, pennants, spinners, streamers, tinsel, small flags, pinwheels, or lights, typically strung overhead and/or in loops.

(30) **Flag:** A flexible piece of fabric or other material that is attached to a permanent conforming flagpole or attached flat to wall.

(31) **Flashing Sign:** See “Animated Sign, Electrically Activated.”

(32) **Flexible Sign:** A sign made of fabric, thin plastic, or other flexible material, and is two-dimensional in nature.

(33) **Freestanding Sign:** A sign principally supported by one or more bases, monuments, columns, poles, or braces placed in or attached to the ground (e.g. cemented in a post-hole or screwed to cement). May also be referenced as a “Monument Sign” or “Pole Sign.”

(a) **Ground Sign:** A sign supported by one or more uprights or braces in or upon the ground that does not exceed eight (8) feet in height.



- (b) **Monument Sign:** A base-mounted freestanding sign supported by one or more uprights or a base and not attached to any building or other structure. A Monument Sign must have a supporting base equal to or greater than the width of the sign face constructed of a decorative and durable material (e.g., masonry), and shall not have separations between the sign face and the base.



Monument Sign

- (c) **Pole Sign:** A sign supported by one or more uprights or braces in or upon the ground.
- (34) **Historic Sign:** A sign that is attached to a building listed on the State and/or National Register of Historic Places, or that is recognized by local historians and the Planning Director as having significant value as an element of the City's heritage or development, which was attached to the building at the time of said listing; or a sign that is at least 50 years old, not significantly altered from its historic appearance, and demonstrates historic value to the community.
- (35) **Illuminance:** The amount of light falling upon a real or imaginary surface, commonly called "light level" or "illumination". Measured in foot candles (lumens/square foot) in the English system, and lux (lumens/square meter) in the SI (metric) system.
- (36) **Illuminated Sign:** A sign characterized by the use of artificial light, either projecting through its surface(s) [Internally or trans-illuminated]; or reflecting off its surface(s) [Externally illuminated].
- (37) **Incidental Sign:** A small sign, usually 2 square feet or less, designed and located to be read only by people within the site and generally not legible from the right-of-way or adjacent properties. Examples of incidental signs include, but are not limited to, credit card signs, signs indicating hours of business, no smoking signs, signs used to designate bathrooms, handicapped signs, traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices, and other signs providing information to be read at close proximity. The Sign Official shall determine whether a sign is an Incidental Sign, based on the visibility of the sign from the lot line and right-of-way and/or the number of signs in close proximity of each other, and the Sign Official may deny a Incidental Sign if it is a sign that is regulated by another standard in this Article.
- (38) **Interior Sign:** Any sign placed within a building, or placed on the site such that it is not visible from the right-of-way, but not including window signs as defined by this Article.

**(39) Luminance:** The light that is emitted by or reflected from a surface. Measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in Imperial measurement units.) Expressed in SI units as  $\text{cd/m}^2$ , and in Imperial (non-metric) units as foot lamberts. Sometimes also expressed as “nits”, a colloquial reference to SI units. Can be measured by means of a luminance meter.

**(40) Mansard Roof:** A roof, or structure on a building imitating a roof, which is at an angle of 60 degrees or greater from the horizontal.

**(41) Marquee:** See Canopy, Attached.

**(42) Marquee Sign:** See “Projecting Sign.”



**(43) Multiple-Faced Sign:** A sign containing three (3) or more faces.

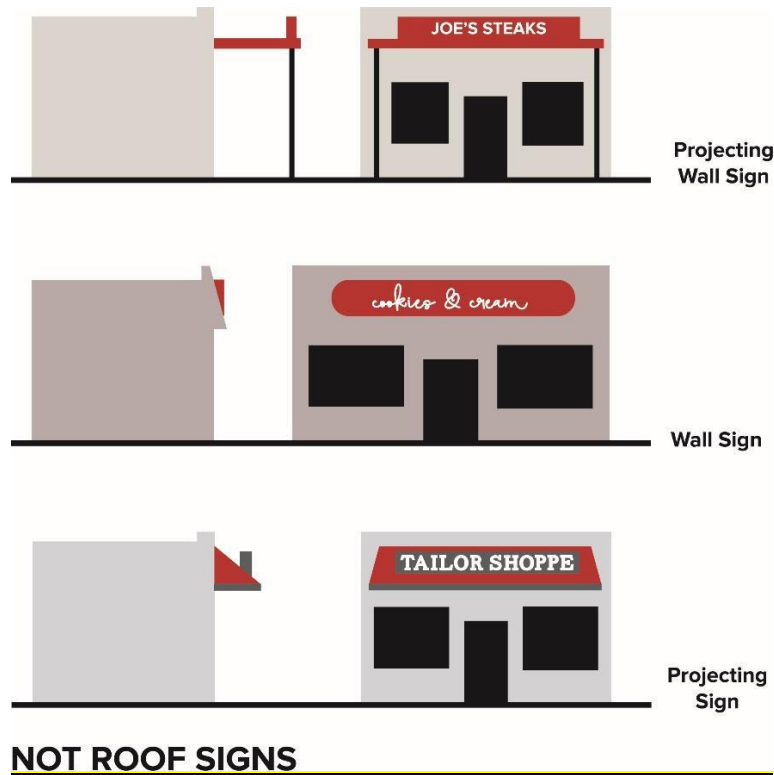
**(44) Mural:** An original artistic painting or texturing applied or attached to the surface of a wall or window. If the mural depicts on-premise commercial content or off-premise commercial content, the portion of the mural containing the commercial content will be considered a sign for purposes of this Ordinance, and will be regulated as such by subsection [54.1103\(B\)\(67\)](#). Commercial content included logos, images, brand names, and other lettering that references a commercial product or business, excluding images of nonspecific abstract commercial content.

**(45) Nameplate Sign:** A small, flat sign attached to the building façade on which the name of a person, company, building, etc. is printed or engraved.

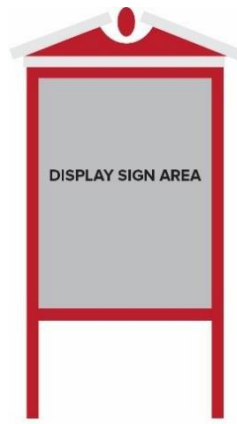


- (46) **Nit:** A photometric unit of measurement referring to luminance. One nit is equal to one  $\text{cd}/\text{m}^2$ .  
See “Candela per square meter ( $\text{cd}/\text{m}^2$ ).”
- (47) **Non-Commercial Sign:** A sign consisting of only non-commercial content.
- (48) **Off-Premise Commercial Sign:** A sign that contains a message related to a business or profession conducted or to a commodity, service, or activity sold or offered for sale off the premises of where the sign is located.
- (49) **On-Premise Commercial Sign:** A sign that contains a message related to a business or profession conducted or to a commodity, service, or activity sold or offered for sale upon the premises where the sign is located. Examples of on-premise commercial signs include, but are by no means limited to, real estate signs, garage sale and yard sale signs, signs advertising a permitted on-site commercial use, and signs of a contractor or other commercial entity affiliated with an on-site project under development.
- (50) **Outdoor Advertising Sign:** A permanent sign erected, maintained or used in the outdoor environment for the purpose of display of commercial or non-commercial messages not typically appurtenant to the use of, products sold on, or the sale of lease of, the property on which it is displayed. May also be referenced as an “Off-Premise Sign” or “Billboard.”
- (51) **Pennant:** A flexible piece of fabric or other material designed to attract attention or convey information. See definition of “Festoon.”
- (52) **People Sign:** A portable sign held by a person and displayed for the purposes of expressing a message.
- (53) **Permanent Sign:** A sign of durable construction and durable materials designed to remain in one location and position either through attachment to a building element or mounting on a standard secured to a below grade footing, or designed into building materials such as stonework.

- (54) **Plaque, Commemorative:** An inscribed tablet of brass or other non-corrosive metal or stone, identifying a place of historical or cultural significance.
- (55) **Portable Message Sign:** A sign attached to or pulled by a vehicle that includes a manual and/or electronic changeable copy sign, an electronic graphic display sign, a video display sign, or multi-vision/tri-vision sign that may be displayed or affixed to a movable object such as but not limited to a car, truck, trailer, or similar transportation device. A "Portable Message Sign" shall not include a "Vehicle Sign."
- (56) **Portable Sign:** Any sign not permanently attached to the ground and can be removed without the use of tools.
- (57) **Premises:** A "lot" in the same ownership or control which is not divided by a street.
- (58) **Projector-Image Sign:** A sign that is displayed through light by a projector.
- (59) **Projecting Sign:** A sign which is attached directly to the building wall, and which extends more than fifteen (15) inches from the face of the wall. A "Projecting Sign" is differentiated from a "Wall Sign" based on the distance the sign projects from the surface of the building. See also: "Awning Sign," "Blade Sign," "Canopy Sign," and "Marquee Sign."
- (60) **Revolving Sign:** An animated sign that revolves around an external axis driven by wind, or electromechanical devices.
- (61) **Roof Sign:** A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard façades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs.



- (62) **Rotating Sign:** An animated sign that rotates around an internal axis driven by wind, or electromechanical devices.
- (63) **Shopping Center:** A shopping center shall mean a unified commercial development occupied by a group of five (5) or more separate retail businesses occupying substantially separate divisions of a building or buildings fronting on a privately owned common mall or parking lot rather than a public street.
- (64) **SI (International System of Units):** The modern metric system of measurement; abbreviated SI for the French term "Le Systeme International d'Unites."
- (65) **Sidewalk Sign:** A portable Temporary Sign or sign board that is freestanding and not permanently anchored or secured to either a building, structure, or the ground. Often referred to as "sandwich board signs," sidewalk signs include, but are not limited to, so called "A" frame, "T" shaped, or inverted "T" shaped stands, or with swinging type construction. See also "Yard Sign."



**SIDE WALK SIGN**

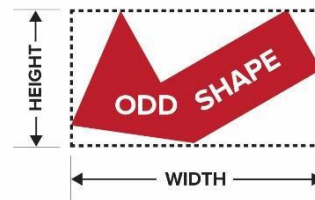
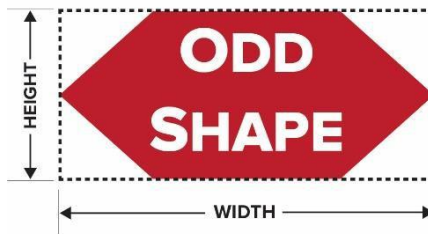
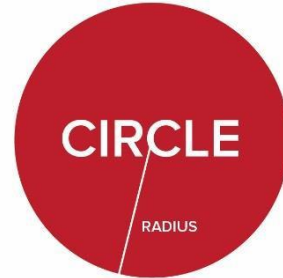
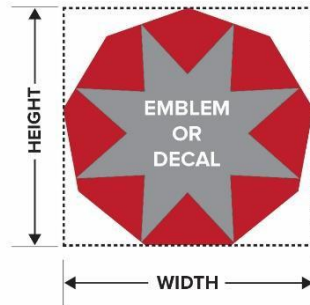


**(66) Sign:** A name, identification, image, description, display, message, or illustration which is affixed to, painted, or otherwise located, set upon, in, or on, a building, structure, or piece of land and which directs attention to an institution, organization, object, product, place, activity, person, idea, message, or business and which is visible from any street, right-of- way, sidewalk, alley, park, other public property, or any adjacent property. Customary displays of merchandise or objects and material placed behind a store window are not signs or parts of signs.

**(67) Sign Area:**

**(a) Area of Shape(s).** The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or use to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed.





## COMPUTATION OF SIGN AREA

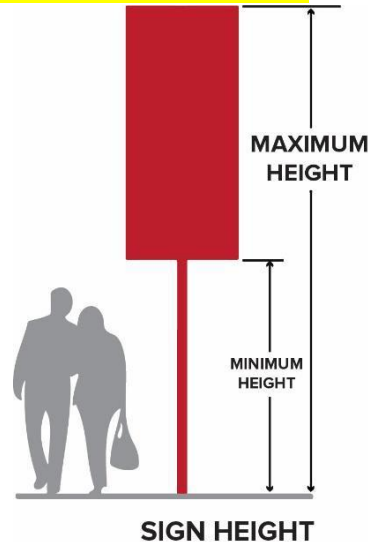
- (b) Area of Two (2) or More Sign Faces.** Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal size, or as the area of the larger face if the two (2) faces are of unequal size. The spacing between the parallel faces of a monument or pole sign may be increased to three (3) feet where there are only two (2) supports. In no case shall a support have a greater cross sectional width than 36 inches
- (c) Area of Wall Sign or Window Sign with No Border, Panel, or Background.** Where a sign consists solely of lettering, graphics, images, or other sign elements printed or mounted on a wall or window of a building without any distinguishing border, panel or background, any blank rectangular area which is more than ten percent (10%) of the area of the sign as otherwise computed shall be disregarded. All of the lettering, graphics, images, and other sign elements printed or mounted upon a wall or window of a building without any distinguishing border, panel, or background and pertaining to the same enterprise shall be treated as a single sign for purposes of area computation.

**(68) Sign Erector or Sign Installer.** Any person engaged in the business of erecting, altering or removing signs on a contractual or hourly basis.

**(69) Sign Height:**

**(a) Sign Height, Maximum Height:** The maximum height of the sign shall be measured from the grade to the top of the sign. The minimum height, if applicable, shall be measured from the sign grade to the bottom of the sign.

**(b) Sign Height, Minimum Height:** The minimum height of a sign (also known as vertical clearance), if required, shall be measured from the sign grade to the lowest point of the sign, including any framework or other embellishments.



**(70) Streamer:** See "Pennant."

**(71) Support Pole Sign:** A Temporary Sign that is attached as an appendage to a sign, sign support, light pole, utility pole, or any part of a pole or support.

**(72) Temporary Sign:** A sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

**(73) Vehicle Sign:** A sign painted or otherwise attached to a vehicle, including signs on a truck trailer. A "Vehicle Sign" shall not include a "Portable Message Sign."

- (74) Wall Sign:** A sign which is painted on or attached directly to a building wall with the face of the sign parallel to and extending not more than fifteen (15) inches from the face of the wall.



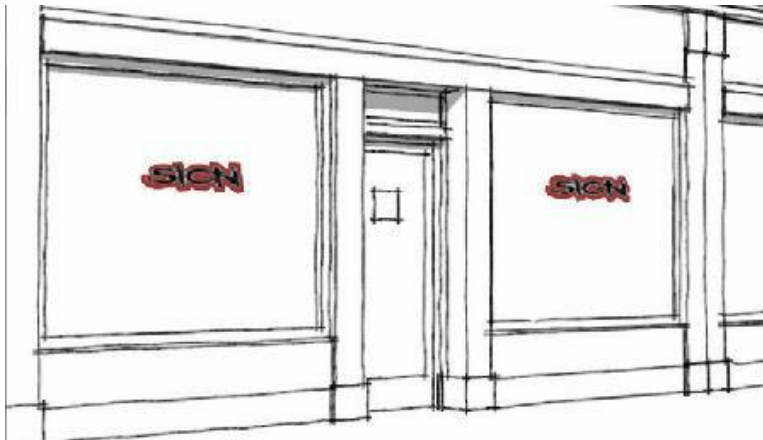
Wall Sign

- (75) Wayfinding Sign:** A sign, frequently off-premise, specifically designed to provide directional or destination information. Wayfinding signs are created and maintained by a public agency and are typically located in a public right-of-way.

- (76) Window Sign:** A sign affixed to, or located behind the surface of a window, with its message intended to be visible to the exterior environment. A sign affixed to a faux window is a wall sign and subject to the regulations thereof.



Window Sign



- (77) Yard Sign.** A portable Temporary Sign or sign board that is freestanding and temporarily anchored or secured to the ground. See also "Sandwich Board Sign."

## Section 54.1107 Exempt Signs Permitted in All Zoning Districts

Certificates of Zoning Compliance shall not be required for the following signs provided that said signs meet all other requirements of this Ordinance, including but not limited to those in [Section 54.1109](#). Approval of the

property owner is required prior to the erection of a sign. It is the responsibility of the party erecting the sign to determine if a building permit is required.

**(D)** Special decorative displays used for holidays, public demonstrations or promotion of civic welfare or charitable purposes, on which there is no commercial advertising, providing the jurisdiction is held harmless for any damage resulting therefrom.

**(1)** Special decorative displays may include temporary signs, banners, or balloons.

**(2)** Length of use shall not extend more than 90 **120** days in a calendar year

**(K)** Any number of noncommercial flags may be located on any site. Only one (1) commercial flag or pennant may be displayed **per lot**, and **it** shall not exceed 45 sq. ft. in area, **unless the lot frontage is greater than 100 feet, in which case one such flag or pennant may be displayed for each 100 feet of frontage.** Support structures shall meet the requirements of either a freestanding flagpole or a wall-mounted flagpole.

## **SECTION 11. Article 12 – Nonconformities**

### **Article 12 Nonconformities**

#### **Section 54.1202 Nonconforming Uses and Structures**

If a structure or the use of a structure or of the land is lawful at the time of enactment of this Ordinance or an amendment to this Ordinances, then that structure or use may be continued although the structure or use does not conform to the Ordinance or amendment. The following sub-sections contain provisions for: classifications of different nonconforming uses and structures; repairs; maintenance; discontinuance; substitutions; expansions; and reconstruction of nonconforming structures and uses:

**(A) Classifications of Nonconforming Uses and Structures.** Pursuant to Section 208 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), the City of Marquette establishes different classifications of nonconforming uses and structures as defined and provided for in this article. Class A Nonconforming Uses and Structures are regulated in [Section 54.1202\(B\)](#), and Class B Nonconforming Uses and Structures are regulated in [Section 54.1202\(C\)](#):

**(B) Regulations Pertaining to Class A Nonconforming Use or Structure Designation.**

**(1) Class A Nonconforming Uses and Structures.** Class A Nonconforming Uses or Structures are:

**(a) One- and Two-Family Uses and Structures.** One- and two-family uses and structures that are nonconforming may be maintained, repaired, altered, or added to as long as they remain otherwise conforming or reduce the extent of the non-conforming portion of the structure. Additions or alterations to the exterior of the structure shall conform to all requirements of this Ordinance.

**(i) Exception:** Two single-family structures **(this does not include approved Accessory Dwelling Units)** on one lot/parcel are considered Class B Nonconforming and would need to get approval from the BZA to be classified as Class A Nonconforming.

**(ii) Reconstruction of Class A Nonconforming one- and two-family structures that did not get Class A approval from the Board of Zoning Appeals:**  
Upon application for reconstruction the proposal must show the structure will meet the side yard setbacks for the zoning district in order to be approved. In addition, if the structure encroaches over a property line, it cannot be rebuilt with the encroachment.

**(b) Nonconforming Uses or Structures Designated by the Board of Zoning Appeals as Class A Nonconforming Uses or Structures.** To qualify as a Class A Nonconforming Use or Structure, the Board of Zoning Appeals must make affirmative findings on all of the following:

- ~~(i) Continuance thereof would not be contrary to the public health, the safety, or welfare, or to the spirit of this Ordinance.~~
- ~~(ii) The use of structure does not and is not likely to significantly depress the value of nearby properties.~~
- ~~(iii) The use or structures was lawful at the time of its inception.~~
- ~~(iv) No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structures does not conform. All nonconforming uses and structures not designated as Class A are Class B nonconforming uses or structures. Class A or Class B designations do not apply to nonconforming lots ([Section 54.1203](#)).~~

- (i) To qualify as a Class A Nonconforming Use or Structure, the Board of Zoning Appeals must make affirmative findings on all of the following:**
  - a. Continuance thereof would not be contrary to the public health, the safety, or welfare, or to the spirit of this Ordinance.**
  - b. The use of structure does not and is not likely to significantly depress the value of nearby properties.**
  - c. The use or structures was lawful at the time of its inception.**
  - d. No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structures does not conform. All nonconforming uses and structures not designated as Class A are Class B nonconforming uses or structures. Class A or Class B designations do not apply to nonconforming lots ([Section 54.1203](#)).**
- (ii) If a structure is damaged after the Board of Zoning Appeals designates a structure as Class A Nonconforming, it can only be rebuilt exactly as approved using the submitted survey, application, and attachments to the case file. Additionally, any conditions set by the Board must be followed during reconstruction.**

**(2) Procedure for Obtaining Class A Designation and Expansion of Class A Designation Conditions.** A written application shall be filed setting forth the name and address of the applicant, stating the nonconformity's applicability to [Section 54.1202\(B\)\(1\)](#), giving a legal description of the property to which the application pertains, and including such other information as may be necessary to enable the Board of Zoning Appeals to make a determination of the matter. The notice and hearing procedure before the Board of Zoning Appeals shall be the same as in [Section 54.1406](#). The decision shall be in writing and shall set forth the findings and reasons on which it is based. Conditions shall be attached,

including any time limit, where necessary to assure that the use or structure does not become contrary to the public health, safety, or welfare of the spirit and purpose of this Ordinance. No vested interest shall arise out of a Class A designation except as permitted by this article.

(3) **Revocation of Class A Designation or Expansion of Class A Designation.** Any Class A designation shall be revoked, following the same procedure required for designation, upon a finding that as a result of any change of conditions or circumstances the use or structure no longer qualifies for Class A designation.

(4) **Regulations Pertaining to Class A Nonconforming Uses and Structures.** No Class A nonconforming use shall be resumed if it has been discontinued for a continuous period of at least 18 months or if it has been changed to a conforming use for any period of time. No Class A structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.

(5) **Expansion of a Class A Nonconforming Use and Structure.** No Class A use or structure shall be expanded unless approval from the Board of Zoning Appeals is first granted.

(a) **To qualify for an Expansion of a Class A Nonconforming Use or Structure, the Board of Zoning Appeals must make affirmative findings on all of the following:**

(i) Continuation and expansion thereof would not be contrary to the public health, the safety, or welfare, or to the spirit of this Ordinance.

(ii) The expansion of the use and/or structure does not and is not likely to significantly depress the value of nearby properties.

(iii) The use or structures was lawful at the time of its inception.

(iv) No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structures does not conform.

(b) **Approval Period.** If the petitioner has not obtained a Zoning Permit, and a Building Permit and commenced construction to implement an Expansion of a Class A Nonconforming Use or Structure within one (1) year of the date of its approval by the Board of Zoning Appeals, said Expansion of a Class A Nonconforming Use or Structure shall expire. The Board of Zoning Appeals, upon application made before expiration, may grant an extension of not more than one (1) year from the expiration date. The Board Zoning Appeals, at its discretion, may schedule a public hearing in accordance with [Section 54.1406](#) prior to granting an extension. Not more than two (2) such extensions may be granted.

(C) **Regulations Pertaining to Class B Nonconforming Use or Structure Designation.**

(1) **Class B Nonconforming Uses and Structures.** A Class B nonconforming use or structure is any nonconforming use or structure that is not a one- or two-family nonconforming use or structure (see [Section 54.1202\(B\)\(1\)\(a\)](#)) or has not been classified as a Class A nonconforming use or structure by the Board of Zoning Appeals pursuant to [Section 54.1202\(B\)](#).

(2) **Prohibited Continuance of Illegally Established Class B Nonconforming Uses and Structures.** No Class B nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

- (3) **Purpose for Class B Nonconforming Uses and Structures.** It is a purpose of this Ordinance to eliminate Class B nonconforming uses and structures as rapidly as is permitted by law without payment of compensation.
- (4) **Discontinuance of a Class B Nonconforming Use.** No Class B nonconforming use shall be resumed if it has been discontinued for a continuous period of six (6) months or if it has been changed to conforming use for any period of time. If the structure in which the use is housed or conducted is damaged by casualty or neglect to the point where the structure must be removed or reconstructed, the standards of [Section 54.1202\(C\)\(7\)](#) apply. If the Class B nonconforming use was legally in existence up until the time the structure in which the use is housed required removal or reconstruction, the owner shall have up to 24 months to re-establish the nonconforming use, provide such re-establishment shall not increase the nonconformity of the use, structure, or building.
- (5) **Prohibited Substitutions and Expansions of Class B Nonconforming Uses.** No Class B nonconforming use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than used at the time of becoming nonconforming.
- (6) **Maintenance and Repair of Class B Nonconforming Structures.** For the purpose of maintaining health and safety, Class B nonconforming structures and buildings may be repaired and maintained. Such repair and maintenance shall not increase the nonconformity of the structure, building, or uses therein, nor shall such repair and maintenance total more the market value of the structure excluding land and other structures on the site as determined by the City Assessor using the current tax roll and field sheets. The Zoning Administrator may substitute the market value of the structure based on calculation procedures of [Section 54.1202\(C\)\(8\)](#). In the event that a nonconforming structure has become destroyed or damaged to the point where the structure must be removed or reconstructed, the standards of [Section 54.1202\(C\)\(7\)](#) apply.
- (7) **Reconstruction Class B Nonconforming Structures.** ~~No Class B nonconforming structure shall be enlarged or structurally altered, nor shall it be reconstructed, if damaged by casualty or neglect to the extent that the cost of reconstruction or similar repair exceeds the market value of the structure excluding land and other structures on the site as determined by the City Assessor using the current tax roll and field sheets. The Zoning Administrator may substitute the market value of the structure based on calculation procedures of See [Section 54.1202\(C\)\(8\)](#). In the event that a nonconforming structure has become destroyed or damaged to the point where the structure must be removed or reconstructed, the owner shall have up to 24 months to rebuild the nonconforming structure, provided such reconstruction shall not increase the nonconformity of the structure, building, or uses therein. However, the owner may construct a conforming addition to a nonconforming structure, provided the addition meets all of the requirements of this Ordinance.~~
- (a) Reconstruction Due to Casualty or Neglect.** No Class B nonconforming structure shall be enlarged or structurally altered, nor shall it be reconstructed, if damaged by casualty or neglect to the extent that the cost of reconstruction or similar repair exceeds the market value of the structure excluding land and other structures on the site as determined by the City Assessor using the current tax roll and field sheets. The Zoning Administrator may substitute the market value of the structure based on calculation procedures of See [Section 54.1202\(C\)\(8\)](#). In the event that a nonconforming structure has become



destroyed or damaged to the point where the structure must be removed or reconstructed, the owner shall have up to 18 months to rebuild the nonconforming structure, provided such reconstruction shall not increase the nonconformity of the structure, building, or uses therein. However, the owner may construct a conforming addition to a nonconforming structure, provided the addition meets all of the requirements of this Ordinance.

**(b) Structures Not Meeting Side Yard Setbacks.** If the structure currently does not meet the side yard setback requirements for the zoning district, it must meet the side yard setback requirements if rebuilt. In addition, if the structure encroaches over a property line, it cannot be rebuilt or enlarged with the encroachment.

**(8) Calculation of Repairs and/or Reconstruction of Class B Nonconforming Structures.** For the purpose of calculating a fair and equitable cost of repairs and reconstruction regulated by this section, the average of two (2) bid estimates from licensed contractors shall be used. All work requiring permits under state and local regulations, and materials necessary to bring the structure up to current code shall be included. Clean up costs, demolition, furnishings and appliances shall not be included. The actual repair and reconstruction may be done by the homeowner or contractor of his choice. If the Zoning Administrator questions the accuracy of the bid estimates, or proposed work or materials, he/she may consult with the Building Code Department and City Assessor, and/or refer the matter to the Board of Zoning Appeals. There shall be no cap on the value of a conforming addition to a nonconforming structure, provided the addition meets all of the requirements of this Ordinance.

**(9) Permitted Continuance of Class B Nonconforming Mineral Removal Operations.** In the case of mineral removal operations, existing holes or shafts may be worked and enlarged on the land which constituted the site on which operations were conducted at the time of becoming nonconforming, but no new holes or shafts shall be established.

## **SECTION 12. Article 14 – Administrative Procedures**

**Chapter 54 – LAND DEVELOPMENT CODE, Article 14 – Administrative Procedures is hereby amended as follows:**

### **Article 14 Administrative Procedures**

#### **Section 54.1401 Zoning Permits and Zoning Compliance Review**

- (A) Submission of Zoning Compliance Application Required.** No person shall commence to erect, alter, or repair any structure or to replace or enlarge any of the uses listed in [Section 54.1401\(B\)](#), without first obtaining Zoning Compliance and approval of plans. No use shall be carried on, nor construction undertaken, except as shown upon an approved Zoning Compliance application and plan. Plans shall be submitted to the Zoning Administrator or designated official.
- (B) Permitted Uses and Development Subject to Zoning Compliance Review.** The following uses and development are subject to Zoning Compliance Review:
- (1)** Residential dwellings (one-family, two family, multi-family) and associated accessory structures, including additions and structural alterations, and structural alterations to any



other building or structure.

Structural alterations include, but are not limited to, replacement of structural members of decks, porches, or steps, alterations to the means of ingress and egress, and other changes regulated by this Ordinance, provided such alterations are not subject to Site Plan Review pursuant to [Section 54.1402\(B\)](#). The Zoning Administrator reserves the right to require a Zoning Compliance Review for the replacement of a non-structural member of a deck, porch, or other structure if deemed necessary by the Zoning Administrator to determine compliance with this Ordinance.

- (2) Interior remodeling of a non-residential use, provided such remodeling is not subject to Site Plan Review pursuant to [Section 54.1402\(B\)](#).
- (3) Re-paving of an off-street parking lot, provided there are no grading changes and no changes to the configuration of the parking lot layout.
- (4) The establishment of a permitted use in the district, provided that the use must meet all requirements of this Ordinance including any special requirements listed for that zoning district. Any development requiring Site Plan Review must be reviewed in accordance with [Section 54.1402\(B\)](#) and special land uses must be reviewed in accordance with [Section 54.1403](#).

**(C) Required Information for Zoning Compliance Review.** The required form of, and information on, plans shall include:

- (1) Name and address of the applicant and plan preparation date.
- (2) Dimensioned property lines of the area included in the plan and a north arrow.
- (3) The scaled shape, size, use, location, height, eave size, floor area, parking spaces, driveways, sidewalks, exterior architectural design of all structures, the floor area and ground coverage ratios of residential structures if applicable.
- (4) The elevation of the finished floor and the elevation at the curb for driveways when the proposed construction is new or when this information is otherwise deemed necessary by the Zoning Administrator to determine the runoff flow of storm water.
- (5) All proposed and existing structures and their relationship to each other and adjacent property lines, including setbacks.
- (6) For non-residential interior remodeling, two (2) copies of plans sized 24 inches by 36 inches shall be drawn to a scale acceptable to the Zoning Administrator and shall be sealed by a professional engineer or architect. One digital copy of the plan set must also be submitted.
- (7) Any other information deemed necessary by the Zoning Administrator to establish compliance with this and other ordinances.
- (8) If no exterior dimensional changes will result from the proposed construction or alteration, the Zoning Administrator may permit the plan to consist of the minimum applicable information listed above to determine compliance with the Zoning Ordinance and

applicable codes.

- (D) Zoning Compliance Review Procedure.** Upon receipt of any Zoning Compliance application and plan, the Zoning Administrator or designated official shall review to determine whether it is in proper form, contains all of the required information and shows compliance with the ordinance. The Zoning Administrator or designated review official shall, within ~~ten (10)~~ **fifteen (15)** business days, grant approval in writing or deny approval in writing, setting forth in detail the reasons which shall be limited to any defect in form or required information, any violation of any provision of this Ordinance, and any changes which would make the plan acceptable. The Zoning Administrator or designated official may extend this ten (10) business day period if additional time is required to determine compliance and/or obtain additional information necessary to determine compliance. In determining compliance with this Ordinance, the Zoning Administrator or designated official shall take into consideration all applicable standards of this Ordinance, such as setbacks, height, parking, landscaping, etc. If non-compliance with any standard of this Ordinance is demonstrated, the Zoning Administrator or designated official shall deny approval of the plan. The applicant may appeal any denial to the Board of Zoning Appeals.
- (E) Expiration.** Zoning permits (which includes zoning compliance, fence, and sign permits, etc.) will expire after two (2) years if construction has not commenced. Zoning Staff upon request prior to the expiration date, may grant an extension of not more than one (1) year from the expiration date, upon findings that the conditions of the permit have not changed. Not more than two (2) such extensions may be granted.

## 54.1402 Site Plan Review

**Figure 52. Site Plan Information Required in the Site Plan Set**

| Site Plan Information Required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Sketch Plan | Preliminary Site Plan | Final Site Plan |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-----------------------|-----------------|
| <b>Proposed Construction</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |             |                       |                 |
| If the application is related to property scheduled for phased development, the proposed layout for the total projected development shall be indicated, and the projected scope and time period shall be estimated for each additional phase. The phasing plan must be acceptable to the City staff to ensure that each phase can function independently and is not reliant on future phases if they are not constructed. <b>Tree clearing and grading is limited to the areas that are proposed and approved for a phased timeline.</b> | •           | •                     | •               |
| <b>Site Circulation Details and Access Design</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |             |                       |                 |
| General site circulation and access including: indication of street right-of-way and pavement widths; access points; and location of pedestrian paths. See <a href="#">Section 54.907</a> .                                                                                                                                                                                                                                                                                                                                              | •           |                       |                 |
| Street horizontal and vertical dimensions, including curve radii.                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |             | •                     | •               |
| Dimensions of access points including distance from adjacent driveways or intersecting streets, including those across a street. See <a href="#">Section 54.907</a> .                                                                                                                                                                                                                                                                                                                                                                    |             | •                     | •               |
| Schematic location and names of abutting public streets and other right-of-ways, and schematic location of proposed streets/roads, driveways, parking areas, pedestrian and bicycle paths.                                                                                                                                                                                                                                                                                                                                               |             | •                     |                 |

|                                                                                                                                                                                               |  |   |   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---|---|
| Schematic of access points, including from adjacent driveways on intersecting streets, including those across a street. See <i>Section 54.907</i> .                                           |  | • |   |
| Locations, dimensions, and names of abutting public streets and other right-of-ways, and of proposed streets/roads, driveways, parking areas, pedestrian and bicycle paths <u>or trails</u> . |  |   | • |
| Pavement widths and pavement types for all streets/roads, pedestrian and bicycle paths.                                                                                                       |  |   | • |
| Written verification of access easements or agreements, if applicable.                                                                                                                        |  | • | • |

### **SECTION 13. Article 15 – Violations, Penalties, and Enforcement**

**Chapter 54 – LAND DEVELOPMENT CODE, Article 15 – Violations, Penalties, and Enforcement is hereby amended as follows:**

### **Article 15 Violations, Penalties, and Enforcement**

#### **Section 54.1505 Payment of Civil Fines, Costs, or Justice System Assessments Prior to Permit Review Eligibility for Approval of a Permit or Application Request**

A person is not eligible to apply City Staff cannot approve an application for a rezoning, site plan approval, special land use approval, planned unit development approval, variance, or other zoning authorization if the person is delinquent in paying a civil fine, costs, or a justice system assessment imposed by an administrative hearings bureau established by the City pursuant to the Home Rule City Act, 1909 PA 279, MCL 117.4q, the person has any other outstanding indebtedness to the City, or if the person has any unresolved violations of the City Code or state or federal law.

**City of Marquette, MI**

300 West Baraga Avenue  
Marquette, MI 49855

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**Agenda Date: 5/27/2025**

**Consent Agenda - Roll Call Vote**

**US-41 Hospital Roundabouts - Right-of-Way Conveyance**

**BACKGROUND:**

As part of the 2017 Hospital Relocation Transportation Improvements Project, the City procured property to construct two roundabouts along the US-41 corridor. The intent was that this property would be conveyed to the State of Michigan once the roundabouts were constructed.

A property deed was prepared and submitted to the State for review in 2018. The State recently approved this document. Deed execution will require City Commission approval.

**FISCAL EFFECT:**

None.

**RECOMMENDATION:**

Approve the conveyance of property as described in the attached Deed to the State of Michigan, and authorize the Mayor and Clerk to sign the Warranty Deed.

**ALTERNATIVES:**

As determined by the Commission.

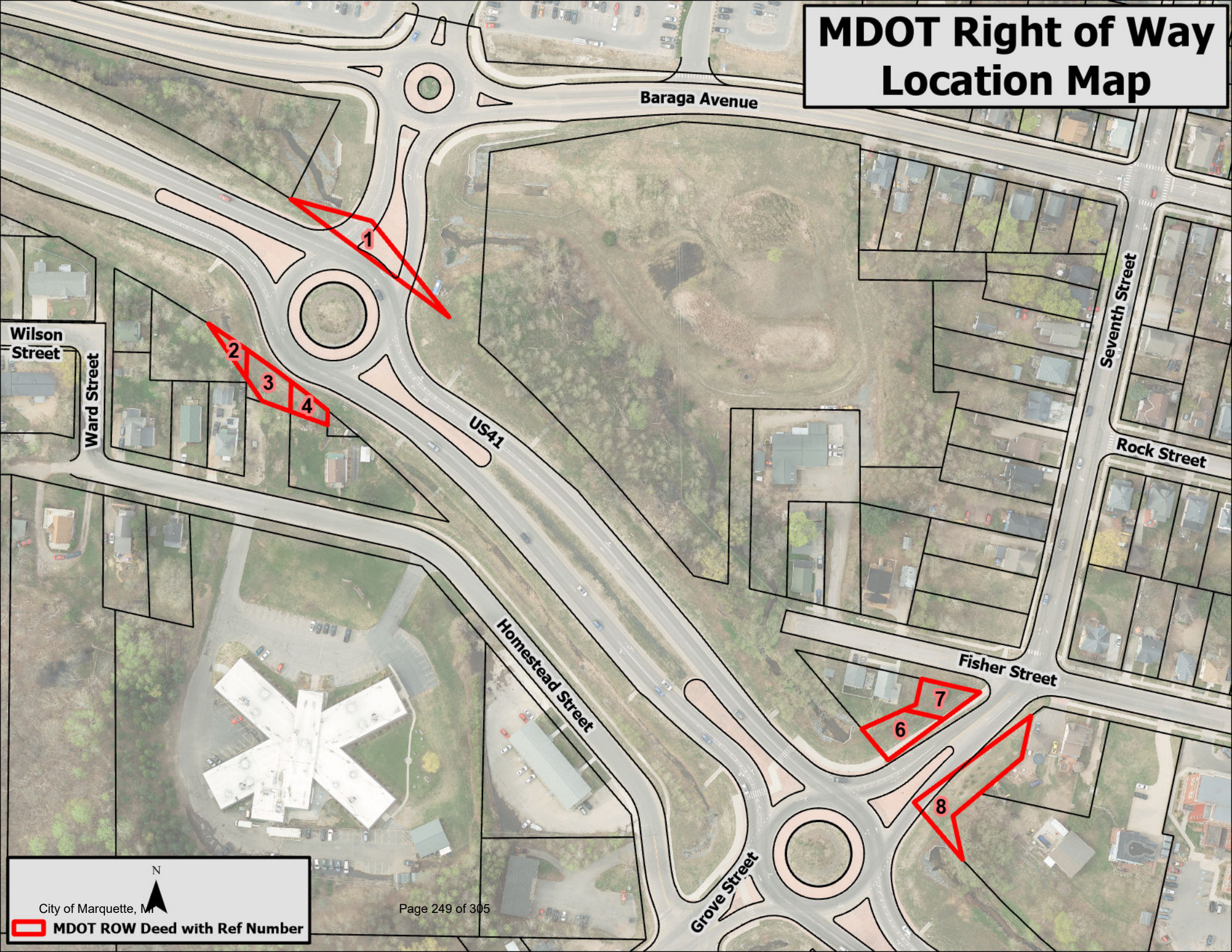
**ATTACHMENTS:**

Description

- ▣ Property Deed location sketch
- ▣ Warranty Deed



# MDOT Right of Way Location Map





## **WARRANTY DEED**

**THIS INDENTURE**, made \_\_\_\_\_, 2025, between the **CITY OF MARQUETTE**, a municipal corporation, of 300 W. Baraga Avenue, Marquette, Michigan 49855, party of the first part, and the **MICHIGAN DEPARTMENT OF TRANSPORTATION** of 425 West Ottawa Street, P.O. Box 30050, Lansing, Michigan 48909, party of the second part.

**WITNESSETH**, that the said party of the first part, for NO CONSIDERATION to it in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, does by these presents, grant, bargain, sell, remise, release, alien and confirm unto the said party of the second part, its successors and assigns, FOREVER, all that certain piece or parcel of land, to-wit:

Note: Unless otherwise noted, bearings and distances are based on a ground system established by the City of Marquette.

Note: **The 2016 Legal Alignment of State Highway US-41 and M-28**, as now surveyed and delineated per plan Control Section 52042, Marquette Hospital Transportation Improvement Project, is described as follows:

Commencing at the North Quarter Corner of Section 22, Town 48 North, Range 25 West; thence South 0°09'24" East, along the North – South Quarter line of said Section 22, a distance of 2289.73 feet to the Legal Alignment of US-41 and M-28, as now surveyed having a Station of 1223+37.07 and being the Point of Beginning; thence South 81°36'19" East, along said alignment, 1013.80 feet to the beginning of a curve at Station 1233+50.87; thence 1381.94 feet, continuing along said alignment, along said curve with its center to the south having a radius of 1909.85 feet, a chord of 1351.99 feet and a chord bearing of South 60°52'34" East to the end of a curve with a Station Back of 1247+32.81 and a Station Ahead of 1247+53.21; thence South 40°08'49" East, continuing along said alignment, 618.12 feet to a point at Station 1253+71.33 at the intersection of said alignment and the east line of the Southeast Quarter of Section 22 said point being North 0°20'57" West, 1778.04 feet from the Southeast Corner of said Section 22; thence continuing South 40°08'49" East, along said alignment, 24.24 feet to the beginning of a curve at Station 1253+95.57; thence 1197.92 feet, continuing along said alignment, along said curve with its center to the north having a radius of 1433.97 feet, a chord of 1163.39 feet and a chord bearing of South 64°04'45" East to the end of a curve with a Station of 1265+93.49 and the Point of Ending.

**PARCEL 1:** All that part of the below described PARCEL A which lies Southerly of the

following described line:

Point of Beginning at a point on the Northerly right-of-way line of US-41/M-28, said point is located at Station 1241+68.48 and 100.00 feet Northerly of as measured at right angles to the 2016 Legal Alignment of State Highway US-41 and M-28, as now surveyed and delineated per plan Control Section 52042, Marquette Hospital Transportation Improvement Project; thence South 74°47'47" East, 112.42 feet to a point on the Northerly right-of-way line of US-41/M-28, said point is located at Station 1242+68.44 and 137.02 feet Northerly of as measured at right angles to the said Legal Alignment of US-41/M-28; thence South 38°52'11" East, 165.28 feet to a point on the Northerly right-of-way line of US-41/M-28, said point is located at Station 1244+20.16 and 100.00 feet Northerly of as measured at right angles to the said Legal Alignment of US-41/M-28, said point being the Point of Ending. The area described above contains 4682 square feet, more or less.

**Parcel A:** A parcel being Lots 7, 8, 9, 10, 11, 12, 13, 22, 23, and part of Lots 6, 14, 15, 16, 17, 18, 20, 21, 24, 25 of Homestead Addition, City of Marquette, Marquette County, Michigan, and also part of Lots 1, 2 of Harlow's Addition #5, City of Marquette, Marquette County, Michigan, together with Lots 12, 13, and part of Lot 14 of Hiram Burt's Addition, City of Marquette, Marquette County, Michigan, together with property located in part of the SE Quarter of the NE Quarter of Section 22, and part of the SW Quarter of the NE Quarter of Section 22, and part of the NE Quarter of the SE Quarter of Section 22, and part of the NW Quarter of the SW Quarter of Section 23, and part of the SW Quarter of the NW Quarter of Section 23, T48N-R25W, City of Marquette, Marquette County, Michigan, being more particularly described as:

Point of Beginning at the East Quarter corner of said Section 22; Thence S00°21'12"E 40.00 feet along the East line of said Section 22 also being the West line of Hiram Burt's Addition to the City of Marquette and to the Southerly right of way line of Baraga Street as platted now reverted; Thence S89°21'28"E 99.26 feet along said right of way to the NW corner of Lot 11 of said Hiram Burt's Addition; Thence S0°18'32"E 150.19 feet along the West line of said Lot 11; Thence S89°35'11"E 37.53 feet along the South line of Lot 11; Thence S12°34'52"W 102.30 feet; Thence N89°35'11"W 113.77 feet to the East line of said Section 22; Thence along said East line N0°21'12"W 75.85 feet; Thence N89°10'37"W 142.53 feet; Thence N89°06'14"W 30.00 feet to the centerline of Hill Street; Thence S0°53'46"W 235.43 feet along the centerline of Hill Street as platted in the Homestead Addition to the City of Marquette and to the North right of way of Fisher Street; Thence N77°36'10"W 46.53 feet to the East right of way of US41 and M-28 (200 foot wide); Thence N40°10'15"W 150.71 feet along said right of way; Thence continuing 1453.18 feet along the Easterly right of way line on a curve to the left having a delta angle of 41°25'35", a radius of 2009.86 feet; and a chord bearing N60°53'02"W 1421.74 feet; Thence N81°35'50"W 229.76 feet; Thence N0°29'04"E 66.48 feet to the North right of way of Baraga Avenue (66 foot wide); Thence N0°29'04"E 376.65 feet along the East line of Lot 25 of Marquette

Industrial Park; Thence N2°13'05"E 171.59 feet; Thence along South right of way of bike path (variable width) S85°46'03"E 1044.37 feet; Thence continuing along said right of way S83°13'39"E 753.32 feet to the East line of Section 22; Thence S83°12'12"E 324.50 feet; Thence 148.46 feet on a curve to the right having a delta angle of 8°47'47", a radius of 967.01 feet; and a chord bearing S78°47'20"E 148.31 feet to the West right of way of Seventh Street (variable width); Thence continuing along said right of way S32°54'31"E 33.79 feet; Thence continuing along said right of way S12°12'17"W 195.07 feet; Thence N77°32'10"W 270.00 feet; Thence S12°12'17"W 135.00 feet to the North right of way of Spring Street (66 foot wide); Thence along said right of way N77°32'10"W 161.50 feet to the East line of Section 22; Thence continuing along said East line S0°52'22"W 67.37 feet to the South right of way of Spring Street; Thence S0°52'22"W 256.31 feet to the North right of way of Baraga Avenue (66 foot wide); Thence S0°52'22"W 67.37 feet to the South right of way of Baraga Avenue; Thence S0°52'22"W 135.46 feet to the Point of Beginning.

**Excepting Therefrom,** For Public Right of Way Purposes (For Baraga Avenue, 66' Wide)

Part of the Northeast Quarter (NE ¼) of Section Twenty-Two (22), Township Forty Eight North Range Twenty Five West (T48N-R25W), City of Marquette, Marquette County, Michigan, being more particularly described as:

Commencing at the Quarter corner common to Sections 22 and 23; thence N00°52'22"E along the section line and westerly plat line of Harlow's Addition Number 5 a distance of 140.63 feet to the Point of Beginning for the Right of Way (R.O.W.) of Baraga Avenue; Thence continuing N00°52'22"E along said section line, plat line, and R.O.W. a distance of 67.29 feet to the northerly R.O.W. of said Baraga Avenue; thence westerly along said northerly R.O.W. and a curve to the left 215.98 feet, said curve having a radius of 1433.00 feet and a delta of 08°38'08", the chord of which bears N82°27'42"W a distance of 215.77 feet; thence N86°46'46"W along said northerly R.O.W. a distance of 390.63 feet; thence westerly along said northerly R.O.W. and a curve to the right 305.21 feet, said curve having a radius of 1467.00 feet and a delta of 11°55'14", the chord of which bears N80°49'09"W a distance of 304.66 feet; thence N74°51'32"W along said northerly R.O.W. a distance of 179.98 feet; thence westerly along said northerly R.O.W. and a curve to the left 180.29 feet, said curve having a radius of 1533.00 feet and a delta of 06°44'18", the chord of which bears N78°13'41"W a distance of 180.19 feet; thence N81°35'50"W along said northerly R.O.W. a distance of 540.51 feet to the easterly plat line of Marquette Industrial Park; thence S00°29'04"W along said R.O.W. and said easterly plat line a distance of 66.64 feet to the southerly R.O.W. of said Baraga Avenue and northerly R.O.W. of US-41; thence S81°35'50"E along said southerly R.O.W. and a portion of said US-41 R.O.W. a distance of 531.33 feet; thence easterly along said southerly R.O.W. and a curve to the right 172.53 feet, said curve having a radius of 1467.00 feet and a delta of 06°44'18", the chord of which bears S78°13'41"E a distance of 172.43 feet; thence S74°51'32"E along



said southerly R.O.W. a distance of 179.98 feet; thence easterly along said southerly R.O.W. and a curve to the left 318.94 feet, said curve having a radius of 1533.00 feet and a delta of 11°55'14", the chord of which bears S80°49'09"E a distance of 318.37 feet; thence S86°46'46"E along said southerly R.O.W. a distance of 390.63 feet; thence easterly along said southerly R.O.W. and a curve to the right 218.85 feet, said curve having a radius of 1367.00 feet and a delta of 09°10'22", the chord of which bears S82°11'35"E a distance of 218.62 feet to the Point of Beginning.

The above described parcel contains 2.75 acres, more or less.

**Also Excepting Therefrom,** For Public Right of Way Purposes (For Baraga Avenue Additional to the North)

Part of the Southeast Quarter of the Northeast Quarter (SE ¼ - NE ¼) of Section Twenty-Two (22), Township Forty Eight North Range Twenty Five West (T48N-R25W), City of Marquette, Marquette County, Michigan, being more particularly described as:

Commencing at the Quarter corner common to Sections 22 and 23; thence N00°52'22"E along the section line and westerly plat line of Harlow's Addition Number 5 a distance of 244.77 feet; thence N89°07'38"W perpendicular to said section and westerly lines 502.21 feet to the northerly Right of Way (R.O.W.) of Baraga Avenue, a 66 foot wide public R.O.W. and Point of Beginning; Thence N86°46'46"W along said R.O.W. a distance of 102.49 feet; thence westerly along said R.O.W. and a curve to the right 305.21 feet, said curve having a radius of 1467.00 feet and a delta of 11°55'14", the chord of which bears N80°49'09"W a distance of 304.66 feet; thence N74°51'32"W along said R.O.W. a distance of 132.55 feet; thence S77°43'30"E 197.90 feet; thence S82°18'33"E 103.04 feet; thence S88°48'23"E 75.04 feet; thence N88°26'12"E 19.39 feet; thence N44°44'01"E 46.16 feet; thence S78°42'22"E 101.97 feet; thence S10°55'16"E 45.74 feet to the Point of Beginning.

The above described parcel contains 0.24 acre, more or less.

**Also Excepting Therefrom,** For Public Right of Way Purposes (For Hospital Drive)

Part of Lots 24 and 25 of Homestead Addition and part of the East Half of the East Half (E ½- E ½) of Section Twenty-Two (22), Township Forty Eight North Range Twenty Five West (T48N-R25W), City of Marquette, Marquette County, Michigan, being more particularly described as:

Commencing at the Quarter corner common to Sections 22 and 23; thence N00°52'22"E along the section line and westerly plat line of Harlow's Addition Number 5 a distance of 167.93 feet; thence N89°07'38"W perpendicular to said section and westerly lines 239.05 feet to the southerly Right of Way (R.O.W.) of Baraga Avenue, a 66 foot wide public R.O.W. and Point of Beginning; Thence

N86°46'46"W along said R.O.W. a distance of 368.58 feet; thence westerly along said R.O.W. and a curve to the right 90.29 feet, said curve having a radius of 1533.00 feet and a delta of 03°22'28", the chord of which bears N85°05'31"W a distance of 90.28 feet; thence S26°43'50"W 147.56 feet to the northerly R.O.W. of US-41 and M-28; thence S74°47'47"E 112.42 feet; thence S38°52'11"E 165.28 feet to the northerly R.O.W. of US-41 and M-28; thence easterly along said US-41 and M-28 R.O.W. and a curve to the right 52.61 feet, said curve having a radius of 2009.85 feet and a delta of 01°29'59", the chord of which bears S48°46'35"E a distance of 52.61 feet; thence N03°19'50"E 255.99 feet; thence N81°02'11"E 260.84 feet to the Point of Beginning.

The above described parcel contains 1.27 acres, more or less.

The above described Parcel A contains 34.68 acres.

Note: See Page 1 for the 2016 Legal Alignment of State Highway US-41 and M-28.

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**END OF PARCEL 1**

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**PARCEL 2:** All that part of Lots 37 and 38 of the Homestead Addition to the City of Marquette which lies Northerly of the following described line located in the Northeast Quarter of the Southeast Quarter all in Section 22, Town 48 North, Range 25 West, City of Marquette, Marquette County, Michigan being more particularly described as follows:

Beginning at a point on the Southerly right-of-way line of US-41/M28, said point is located at Station 1241+66.61 and 100.00 feet Southerly of as measured at right angles to the 2016 Legal Alignment of State Highway US-41 and M-28, as now surveyed and delineated per plan Control Section 52042, Marquette Hospital Transportation Improvement Project; thence South 34°49'14" East, 126.25 feet to a point on the Southerly right-of-way line of US-41/M-28, said point is located at Station 1242+93.03 and 144.06 feet Southerly of as measured at right angles to the said Legal Alignment of US-41/M-28; thence South 69°47'00" East, 138.44 feet to a point on the Southerly right-of-way line of US-41/M-28, said point is located at Station 1244+33.27 and 100.00 feet Southerly of as measured at right angles to the said Legal Alignment of US-41/M-28, said point being the Point of Ending. The area described above contains 1019 square feet, more or less.

Note: See Page 1 for the 2016 Legal Alignment of State Highway US-41 and M-28.

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**END OF PARCEL 2**

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**PARCEL 3:** All that part of Meadow Street of the Homestead Addition to the City of Marquette owned by the City of Marquette which lies Northerly of the following described line located in the Northeast Quarter of the Southeast Quarter all in Section 22, Town 48 North, Range 25 West, City of Marquette, Marquette County, Michigan being more particularly described as follows:

Beginning at a point on the Southerly right-of-way line of US-41/M28, said point is located at Station 1241+66.61 and 100.00 feet Southerly of as measured at right angles to the 2016 Legal Alignment of State Highway US-41 and M-28, as now surveyed and delineated per plan Control Section 52042, Marquette Hospital Transportation Improvement Project;

thence South 34°49'14" East, 126.25 feet to a point on the Southerly right-of-way line of US-41/M-28, said point is located at Station 1242+93.03 and 144.06 feet Southerly of as measured at right angles to the said Legal Alignment of US-41/M-28; thence South 69°47'00" East, 138.44 feet to a point on the Southerly right-of-way line of US-41/M-28, said point is located at Station 1244+33.27 and 100.00 feet Southerly of as measured at right angles to the said Legal Alignment of US-41/M-28, said point being the Point of Ending. The area described above contains 2800 square feet, more or less.

Note: See Page 1 for the 2016 Legal Alignment of State Highway US-41 and M-28.

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**END OF PARCEL 3**

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**PARCEL 4:** All that part of Lot 32 of the Homestead Addition to the City of Marquette which lies Northerly of the following described line located in the Northeast Quarter of the Southeast Quarter all in Section 22, Town 48 North, Range 25 West, City of Marquette, Marquette County, Michigan being more particularly described as follows:

Beginning at a point on the Southerly right-of-way line of US-41/M28, said point is located a Station 1241+66.61 and 100.00 feet Southerly of as measured at right angles to the 2016 Legal Alignment of State Highway US-41 and M-28, as now surveyed and delineated per plan Control Section 52042, Marquette Hospital Transportation Improvement Project; thence South 34°49'14" East, 126.25 feet to a point on the Southerly right-of-way line of US-41/M-28, said point is located at Station 1242+93.03 and 144.06 feet Southerly of as measured at right angles to the said Legal Alignment of US-41/M-28; thence South 69°47'00" East, 138.44 feet to a point on the Southerly right-of-way line of US-41/M-28, said point is located at Station 1244+33.27 and 100.00 feet Southerly of as measured at right angles to the said Legal Alignment of US-41/M-28, said point being the Point of Ending. The area described above contains 1503 square feet, more or less.

Note: See Page 1 for the 2016 Legal Alignment of State Highway US-41 and M-28.

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**END OF PARCEL 4**

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**PARCEL 5:** Eliminated from project.

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**END OF PARCEL 5**

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**PARCEL 6:** All that part of Lot 99 of the Baldwin's Addition to the Village, now City, of Marquette, and owned by the City of Marquette, located in the Northwest Quarter of the Southwest Quarter of Section 23, Town 48 North, Range 25 West, City of Marquette, Marquette County, Michigan being more particularly described as follows:

Commencing at the North Quarter Corner of Section 22, Town 48 North, Range 25 West: thence South 0°09'24" East, along the North – South Quarter line of said Section 22, a distance of 2289.73 feet to the 2016 Legal Alignment of State Highway US-41 and M-28, as now surveyed and delineated per plan Control Section 52042, Marquette Hospital Transportation Improvement Project; thence South 81°36'19" East, along said alignment, 1013.80 feet; thence 1381.94 feet, continuing along said alignment, along said curve with its center to the south having a radius of 1909.85 feet, a chord of 1351.99 feet and a chord

bearing of South 60°52'34" East; thence South 40°08'49" East, continuing along said alignment, 505.24 feet to station 1252+58.45 on said legal alignment; thence North 49°51'11" East, perpendicular to said legal alignment, 140.00 feet to the intersection of the northerly right-of-way of US-41 and M-28, and the westerly right-of-way of Seventh Street and the Point of Beginning of the herein described parcel; thence North 53°32'28" East, along said westerly right-of-way, 92.97 feet; thence North 77°03'21" West, 54.84 feet; thence South 65°38'55" West, 62.20 feet to the northerly right-of-way of US-41 and M-28; thence South 40°08'49" East, along said northerly right-of-way, 54.80 feet to the Point of Beginning. The area described above contains 3575 square feet, more or less.

Note: See Page 1 for the 2016 Legal Alignment of State Highway US-41 and M-28.

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**END OF PARCEL 6**

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**PARCEL 7:** All that part of Lot 99 of the Baldwin's Addition to the Village, now City, of Marquette as recorded in Liber 2004R, Page 01947, located in the Northwest Quarter of the Southwest Quarter of Section 23, Town 48 North, Range 25 West, City of Marquette, Marquette County, Michigan being more particularly described as follows:

Commencing at the North Quarter Corner of Section 22, Town 48 North, Range 25 West: thence South 0°09'24" East, along the North – South Quarter line of said Section 22, a distance of 2289.73 feet to the 2016 Legal Alignment of State Highway US-41 and M-28, as now surveyed and delineated per plan Control Section 52042, Marquette Hospital Transportation Improvement Project; thence South 81°36'19" East, along said alignment, 1013.80 feet; thence 1381.94 feet, continuing along said alignment, along said curve with its center to the south having a radius of 1909.85 feet, a chord of 1351.99 feet and a chord bearing of South 60°52'34" East; thence South 40°08'49" East, continuing along said alignment, 505.24 feet to station 1252+58.45 on said legal alignment; thence North 49°51'11" East, perpendicular to said legal alignment, 140.00 feet to the intersection of the northerly right-of-way of US-41 and M-28 and the westerly right-of-way of Seventh Street; thence North 53°32'28" East, along said westerly right-of-way, 92.97 feet to the Point of Beginning of the herein described parcel; thence continuing North 53°32'28" East, along said westerly right-of-way, 60.00 feet to the intersection of said Seventh Street as now established and the southerly right-of-way of Fisher Street; thence North 77°03'21" West, along said southerly right-of-way, 80.31 feet; thence South 12°34'04" West, 35.05 feet; thence South 65°38'55" West, 17.34 feet; thence South 77°03'21" East, 54.84 feet to the Point of Beginning. The area described above contains 2836 square feet, more or less.

Note: See Page 1 for the 2016 Legal Alignment of State Highway US-41 and M-28.

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**END OF PARCEL 7**

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**PARCEL 8:** All that part of Lot 99 of the Baldwin's Addition to the Village, now City, of Marquette as recorded in Liber 388, Page 142-143, located in the Northwest Quarter of the Southwest Quarter of Section 23, Town 48 North, Range 25 West, City of Marquette, Marquette County, Michigan being more particularly described as follows:

Commencing at the North Quarter Corner of Section 22, Town 48 North, Range 25 West: thence South 0°09'24" East, along the North – South Quarter line of said Section 22, a distance of 2289.73 feet to the 2016 Legal Alignment of State Highway US-41 and M-28, as now surveyed and delineated per plan Control Section 52042, Marquette Hospital Transportation Improvement Project; thence South 81°36'19" East, along said alignment, 1013.80 feet; thence 1381.94 feet, continuing along said alignment, along said curve with its center to the south having a radius of 1909.85 feet, a chord of 1351.99 feet and a chord bearing of South 60°52'34" East; thence South 40°08'49" East, continuing along said alignment, 570.74 feet to station 1253+23.95 on said legal alignment; thence North 49°51'11" East, perpendicular to said legal alignment, 130.00 feet to the intersection of the northerly right-of-way of US-41 and M-28, the easterly right-of-way of Seventh Street and the Point of Beginning of the herein described parcel; thence North 53°32'28" East, along said easterly right-of-way, 194.75 feet; thence South 12°24'25" West, 57.73 feet; thence South 49°51'11" West, 120.61 feet; thence South 12°37'29" East, 59.69 feet to the northerly right-of-way of US-41 and M-28; thence northwesterly 28.94 feet along a curve with its center to the north having a radius of 1303.97 feet a chord of 28.94 feet and a chord bearing of North 40°46'58" West; thence North 40°08'49" West, along said northerly right-of-way, 71.63 feet to the Point of Beginning. The area described above contains 7978 square feet, more or less.

Note: See Page 1 for the 2016 Legal Alignment of State Highway US-41 and M-28.

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**END OF PARCEL 8**

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Subject, however, to any and all rights, reservations, restrictions, conditions and easements appearing in the recorded chain of title.

NOTE: This deed is exempt from real estate transfer taxation under the provisions of MCL 207.526(h)(i) and MCL 207.505(h)(i).

NOTE: LEGAL DESCRIPTIONS AND TITLE NOT EXAMINED BY PREPARER.

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining: **To Have and to Hold** the said premises, as herein described, with the appurtenances, unto the said party of the second part, his heirs and assigns, FOREVER. And the said party of the first part, for itself, its successors and assigns, does covenant, grant, bargain and agree to, and with the said party of the second part, his heirs and assigns, that at the time of the delivery of these presents it is well seized of the above granted premises in fee simple; that it is free from all encumbrances whatever and that it will, and its successors and assigns, shall **Warrant and Defend** the same against all lawful claims whatsoever.

**In Witness Whereof**, the said party of the first part has hereunto set its hand the day and year first above written.

CITY OF MARQUETTE

\_\_\_\_\_  
By: Jessica Hanley  
Its: Mayor

\_\_\_\_\_  
By: Kyle Whitney  
Its: City Clerk

STATE OF MICHIGAN                    )  
                                                  ) SS  
COUNTY OF MARQUETTE            )

Acknowledged before me in Marquette County, Michigan, on \_\_\_\_\_, 2025,  
by Jessica Hanley, Mayor, and Kyle Whitney, City Clerk, of the City of Marquette, a municipal  
corporation.

\_\_\_\_\_, Notary Public  
State of Michigan, County of Marquette  
My commission expires: \_\_\_\_\_  
Acting in the County of Marquette

Prepared by: Suzanne C. Larsen (P57017)  
City Attorney, City of Marquette  
300 W. Baraga Ave.  
Marquette, Michigan 49855  
(906) 225-8563

## City of Marquette, MI

300 West Baraga Avenue  
Marquette, MI 49855

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**Agenda Date: 5/27/2025**

### **Unfinished Business**

#### **Ordinance #25-02: Overnight Occupation of Public Property**

##### **BACKGROUND:**

Staff is recommending an ordinance, attached, in order to establish clear limitations on the overnight occupation of public property.

Per City Charter, an ordinance cannot be adopted at the meeting at which it is introduced. This ordinance was introduced at the Commission's March 31 meeting. Then on April 14, the Commission considered adoption of the ordinance, ultimately voting to postpone action to this meeting. During the April 14 meeting, the Commission requested that staff clarify the intent of the ordinance.

The proposed ordinance has been amended and now includes a new Sec. 22-36, which further elaborates on the city's process for handling the disposition (removal, handling and storage) of unauthorized items.

Items will be handled in accordance with the City Police Department's existing procedure for managing lost and found property. This procedure, attached, has been in effect since 2018 and is informed by state law and nationally recognized best practices.

##### **FISCAL EFFECT:**

None.

##### **RECOMMENDATION:**

Adopt Ordinance #25-02, and direct staff to return to the Commission prior to 2026 with an update.

##### **ALTERNATIVES:**

As determined by the Commission.

##### **ATTACHMENTS:**

Description

- ▣ Ord 25-02
- ▣ Lost and Found Property Policy

**ORDINANCE #25-02**  
**AN ORDINANCE TO AMEND MARQUETTE CITY CODE**  
**CHAPTER 22, ARTICLE II, REGARDING OVERNIGHT**  
**OCCUPATION OF PUBLIC PROPERTY**

**INTENT**

The purpose of this ordinance is to amend Article II (Nuisances) of Chapter 22 (Environment) of the Marquette City Code in order to add new sections related to the overnight occupation of public property.

**The City of Marquette Ordains:**

**SECTION 1. That new Sections 22-35 and 22-36 be hereby adopted, to read as follows:**

Sec. 22-35. Prohibition of unauthorized occupation of city property.

- a) It shall be unlawful for any person to occupy city-owned or city-controlled property overnight, except as expressly permitted by the city. Except as permitted, it shall be unlawful for any person to camp on city-owned or city-controlled property, using camping facilities – including but not limited to tents, huts, or temporary shelters – or using camp paraphernalia – including but not limited to cots, beds, sleeping bags, hammocks, tarps, or similar items.
- b) It shall be unlawful for any person to sleep overnight in a vehicle – including but not limited to vans, cars, campers, or recreational vehicles – on any city-owned or city-controlled property, unless expressly permitted by posted signage or other city authorization.
- c) The prohibitions laid out in this section apply to city-owned and city-controlled properties. These properties include, but are not limited to:
  - 1) Streets
  - 2) Parks
  - 3) Beaches
  - 4) Sidewalks
  - 5) Alleyways
  - 6) Public easements
  - 7) Public rights-of-way
  - 8) Public parking lots
  - 9) Public areas, whether improved or unimproved
  - 10) Public bike paths or trails
  - 11) Any forested or natural area under city jurisdiction
- d) Any person violating this section is responsible for a municipal civil infraction.



Sec. 22-36. Disposition of items associated with unauthorized occupation.

- a) If camping facilities, camping paraphernalia or other materials are found on city property in violation of the prohibition established under Sec. 22-35, the owner of such property, if present, shall be given an opportunity to remove the property.
- b) If the owner is not present or if they refuse to remove the property, the property shall be removed and handled subject to established Marquette Police Department policy.
- c) If the owner is not present but arrives during the removal of property, they shall be provided with an opportunity to remove the property.

**SECTION 2. That this ordinance shall take effect ten days after adoption but not before publication.**

\_\_\_\_\_  
Jessica Hanley, Mayor

\_\_\_\_\_  
Kyle Whitney, City Clerk

Date Adopted: \_\_\_\_\_

Date Published: \_\_\_\_\_

| <b>MARQUETTE CITY POLICE DEPARTMENT<br/>POLICY &amp; PROCEDURE</b> |                                                                                                     |                         |
|--------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|-------------------------|
| <b>SUBJECT: LOST AND FOUND PROPERTY</b>                            |                                                                                                     |                         |
| <b>ORDER 04-03B</b>                                                |                                                                                                     |                         |
| <b>Accreditation Standards: 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.35</b>   |                                                                                                     |                         |
| <b>BY THE ORDER OF:</b><br>Ryan Grim<br>Chief of Police            | <b>EFFECTIVE DATE:</b><br>05/09/2018<br><b>REVISED 06/28/2023 JPR</b><br>05/07/25 RG<br>05/14/25 NC | <b># OF PAGES:</b><br>5 |

## 1.0 PURPOSE

This directive establishes policy and procedures for the management of lost and found property.

## 2.0 POLICY

It is the policy of the Marquette City Police Department to manage custody of property in a secure manner and location.

## 3.0 CLASSIFICATIONS OF PROPERTY

**3.1 JUNK** means any property that does not have any apparent fair market value or worth.

**3.2 PERISHABLE ITEMS** are goods that have a limited shelf life and can spoil or decay quickly.

### 3.3 PROPERTY OF MINOR OR MAJOR VALUE:

A. Receiving officer shall designate property having major value or minor value, seeking a greater level of expertise when necessary after receiving approval of his/her supervisor. If property is of major value, enhanced security measures for exceptional, sensitive, and valuable property must be taken.

1. **MINOR VALUE:** Means any property with an apparent value of less than \$100.
2. **MAJOR VALUE:** Means any property with value of \$100 or more.

## 4.0 PROCEDURE

### 4.1 FOUND PROPERTY PROCESSING PROCEDURE

- A. Officers are required to document how any/all property came into their possession. Found and abandoned property can be reported to the Department or observed by officers while on duty.

When property is found and/or turned into the Department or reported by an individual, the employee receiving the information shall determine whether the finder wishes to receive the property if it is not claimed by the legal owner. If so, the employee receiving said report shall obtain the name, current address and telephone number of the finder and inform him/her that they must keep the department advised of any changes. The finder shall be instructed to contact the department for status in three to six months, depending on the value of the property they wish to receive.

- B. The officer receiving or collecting the property shall obtain a Calls for Service (CFS) number from SRMS. The officer shall include a detailed description of the property in the CFS completely enough so that if the property were described to the reader, he/she would be able to determine ownership.
- C. The officer shall classify the found or abandoned property according to the classifications above. If the owner of the property has not been identified or is unable to receive it by the end of the officer's shift, the property shall be stored in a temporary evidence/property locker, or another place, in the case of special storage requirements where the size or composition of the property makes it impossible to adequately secure, as directed by their supervisor. Officers are required to label property with a property tag prior to submission to the storage location. The property custodian will be notified if any items are too large to be secured in the temporary evidence/property locker or if they become full. If the property is classified by the officer as Junk or Perishable Items, see 4.2 A, 3 for disposal procedures.
- D. The officer receiving the found property shall make an effort to determine the rightful owner of the property and notify them that the agency has custody of the property. The officer will also provide instructions on how the owner can identify and collect the property at the Department. If the property is returned, it will be documented by the officer in SRMS.
- E. If the owner of the property is not located or contacted by the end of the officer's shift, a case report shall be generated. Officers shall enter the property under the "property" tab of the case report, describe the property and indicate its storage location. Officers will generate a property sheet in SRMS, print a property tag for purposes of tracking, and attach it to the property. The property will be secured in a temporary evidence/property locker. Officers will then place the case report in a blue folder.

- F. Found currency over \$100.00 shall require two officer verification. The total amount will be written on the packaging and verified by the second officer. Once verified, both officers must sign near the dollar amount prior to submittal to the temporary evidence/property locker.

## **4.2 FOUND PROPERTY RETURN OR DISPOSAL**

- A. All property shall be returned to the legal owner when the department is reasonably satisfied with that ownership, except as otherwise provided. If not claimed, the property will be retained or disposed of as described below:
    - 1. PROPERTY OF MINOR VALUE will be stored for three (3) months. After that time, the department will dispose of it if it has not been claimed by the owner or finder.
    - 2. PROPERTY OF MAJOR VALUE will be stored for six (6) months. After that time, the department will dispose of it if it has not been claimed by the owner or finder.
    - 3. JUNK and PERISHABLE ITEMS may be disposed of in the nearest dumpster or other place of proper disposal. Items that need to be disposed of must be documented with photographs or body camera recording which will be uploaded into video evidence storage.
- 4.2.1 If the owner of the property comes for the property and describes it to the officer's satisfaction prior to the end of their shift, the property can be turned over to the owner.
- The officer can release the property to the owner by filling out a property release form located at the front desk. The property release form and property tag will be turned into the property custodian.
- The status of the property shall be updated in SRMS upon return to the owner.
- 4.2.2 Lost and Found Property will be stored in the Evidence Room until it is claimed by the finder or owner, until it has exceeded the required holding period based on its classification, and until it is prepared for destruction. A documented chain of custody shall be established for the property up to and including the release of the property.
- 4.2.3 Department staff who assist those wishing to claim Lost and Found Property shall diligently search SRMS for the listed item(s). If those items are stored

in the Evidence Room, Department staff shall direct the owner to make arrangements with a property custodian. Property custodians shall make diligent efforts to determine true ownership.

Property custodians shall ensure that a finder wishing to claim found property has waited for the appropriate period based on value classification. Property custodians may arrange an appointment to return property to the owner or finder between 8 am and 3 pm Monday through Friday, excluding holidays, or make other arrangements to facilitate the exchange.

4.2.4 Property received shall not be used for investigative or training purposes.

4.2.5 Under no circumstances will police officers destroy, hold, or convert to their personal use found or recovered property with the exception of junk or perishable items described above in 4.2 A, 3.

#### **4.3 PROPERTY CONTROL OFFICER**

4.3.1 The Chief or his designee will assign a Primary and Alternate Property Control Officer. The designated Property Control Officers are the only personnel with access to the property/evidence room.

4.3.2 The Property Control Officer is responsible for the maintenance and disposal of property after retention requirements are met in accordance with Michigan standards for disposal.

4.3.3 If the temporary evidence/property lockers are full, the designated Property Control Officer will be notified to adequately secure the new/additional property.

#### **4.4 INSPECTIONS**

4.4.1 The designated Property Control Officer shall conduct semi-annual inspections to determine adherence to the procedures used for the control of property.

4.4.2 An annual representative audit of the property held by the agency shall be conducted by a supervisor, who is outside of the chain of custody, for the property control function. 90% of all high-risk items shall be audited, in addition to 3% of non-high-risk items, as required by the Chief of Police.

4.4.3 An inventory of property shall be made in the following circumstances and will be conducted by the newly assigned personnel and a designee of the Chief.

A. Whenever there is a change of the Property Control Officer.

- B. Whenever there is a change in Chief Law Enforcement officer.
- C. Whenever there is any indication or suspected breach of the property repository.

4.4.4 The Chief shall direct an unannounced inspection of the property storage area annually. This inspection is conducted to determine if the property storage area is being maintained in a neat and organized manner that protects the integrity of the property repository.

4.4.5 Inspections and audits will be documented and maintained by the Chief or his designee.

## City of Marquette, MI

300 West Baraga Avenue  
Marquette, MI 49855

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**Agenda Date: 5/27/2025**

### **New Business**

#### **Fire Department Community Risk/Standards of Cover/Compensation Study**

##### **BACKGROUND:**

The Fire Department, in conjunction with Human Resources and the City Manager, determined that a consultant should be engaged to determine the appropriate wage and benefit levels for the Fire Department. The consultant will also update the City's community risk assessment and identify possible improvements to Fire Department operations and programs. An RFP was sent out and six proposals were received. Fitch & Associates, LLC was determined to meet all requirements at the lowest cost at \$49,995.

##### **FISCAL EFFECT:**

This is an unbudgeted expense and will require a budget amendment.

##### **RECOMMENDATION:**

Approve the Fitch & Associates, LLC proposal for consulting services for \$49,995, and authorize the Mayor and Clerk to sign the agreement.

##### **ALTERNATIVES:**

As determined by the Commission.

##### **ATTACHMENTS:**

###### Description

- ▣ Fire Department Community Risk/Standards of Cover/Compensation Study
- ▣ Professional Consulting Services Agreement
- ▣ Insurance - COI
- ▣ Insurance - PLO COI

# FITCH

& ASSOCIATES

## Development of a Community Risk Assessment, Fire Services Standards of Cover, and Compensation Study

RFP#25-01

## City of Marquette, Michigan



PO Box 170, 2901 Williamsburg Terrace, Suite G, Platte City, Missouri 64079



(816) 431-2600



(816) 431-2653



[www.fitchassoc.com](http://www.fitchassoc.com)

City of Marquette, MI

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16 January 2025

Katie Burnette  
Finance Department  
City of Marquette  
300 W. Baraga Avenue  
Marquette, MI 49855

Dear Katie Burnette:

Thank you for considering Fitch & Associates (*FITCH*) to provide consulting services for the Marquette Fire Department. The primary deliverable is to complete a *Community Risk Analysis (CRA)*, *Fire Department Standards of Cover (SOC) Assessment*, and *Compensation Study*. We anticipate a project completion of this project in a 4 to 6 month timeframe.

Fitch & Associates, LLC is a Limited Liability Company initially established as a corporation in 1984. The Firm is located in Platte City, Missouri, a suburb of Kansas City. Our physical mailing address and office contact information are:



PO Box 170, 2901 Williamsburg Terrace,  
Suite G, Platte City, Missouri 64079



(816) 431-2600



(816) 431-2653

Fitch & Associates Federal Employer Identification Number (EIN) is 43-1780744.

As proposed, I, (Dr. Steven Knight, EFO) will serve as the project manager for this project. Chief Knight retired from St. Petersburg Fire & Rescue, FL as the Assistant Chief and also served as the department's accreditation manager for two successful rounds of reaccreditation. St. Petersburg is a 5-time internationally accredited and ISO 1 agency. As a partner with the firm, I can bind the firm for any contracts or agreements. My contact information is provided with my signature on the following page.

Fitch & Associates is a thought leader in the public safety industry and routinely author's articles, research, industry surveys, and white papers. In addition, the firm's members regularly are requested to present at international and national conferences. Therefore, the firm seeks out opportunities to partner with agencies that are willing to ask the tough questions, seek transparency, public input, and are interested in planning for the future in a sustainable manner that is aligned with community expectations and unique community risks.

All of the consultants proposed for this project have either spent their careers in, or are still employed, as fire service leaders with a long history of performance management, organizational optimization, risk assessment, and strategic planning. Finally, the proposed consultants have extensive experience with the Center for Public Safety Excellence and the Commission on Fire Accreditation International (CPSE/CFAI).

Our firm is uniquely qualified to submit this response and perform the work required. Fitch & Associates has provided similar planning and analysis services for over 1,000 clients represented in every continent except Antarctica and in all 50 U.S. States throughout its 40-year history. Our team has wide ranging technical expertise and specific experience with the Commission on Fire Accreditation International's (CFAI) model and within Michigan. Our team members have served as peer assessors, team leaders, and accreditation managers.

On behalf of Fitch & Associates, we appreciate the opportunity to respond to your request for consulting services. Please feel free to contact me directly if you have any follow up correspondence during the selection process.

Sincerely,



Steven Knight, PhD  
Partner  
816-500-7481  
sknight@fitchassoc.com



# Project Understanding and Approach

It is our understanding of the project, that the consultant would partner with the city and fire department to develop a *Community Risk Assessment, Standards of Cover* and a *Compensation Study*.

## ■ COMMUNITY RISK ASSESSMENT AND STANDARDS OF COVER

This would include evaluations of first unit arrival performance (response times), effective response force performance, station level reliability, station level call concurrency (simultaneous events), and workload. In addition, this analysis would include temporal analysis of requests for services by month, week, and time of day to identify any gaps in performance or challenges to provide commensurate services regardless of the timeframe.

A community risk assessment will be completed that evaluates risk from two perspectives. First, is the historical risk based on community driven requests for service. This will be informed from the quantitative data analysis described above. Each call type will be evaluated individually (fire, EMS, hazmat, technical rescue). The second lens is prospective risk. Prospective risk is identified as the potential of risk. Typically, this is completed through the development of risk matrices to evaluate occupancy level risks (typically commercial structures and high density residential). Finally, these two risk evaluations will be blended to create a community wide risk rating structure for each station area to best align resource allocation to risk.

The development of the *Standards of Cover* will be the culmination of all-hazard risk profiles that include historical and prospective risk in combination with environmental, topographical, geographical, natural, transportation, aviation, hazardous materials, and health risks that will inform the ultimate recommendations on the appropriate allocation of resources to ensure the deployment plans meet expectations for service.

The development of expectations for service is an important part of this project that will be informed from the quantitative analyses, risk analyses, and GIS simulation and modeling. Alternatives with varying performance windows will be communicated to the Department to help make an informed decision on the desired performance. All alternatives will be compared with the national recommendations from NFPA, ISO, Commission on Fire Accreditation International (CFAI) and current evidenced based research. Additional expertise is required with respect to the Michigan Administrative Code, NIOSH and NIST studies and reports, and OSHA requirements. This will include any mandated requirements from the state, region, or local governing bodies.

A review of budget and capital outlays will be seamlessly integrated with the development of potential alternatives for expected service levels and/or changes to the status quo deployment. In this manner, both current and future projections will be evaluated to ensure fiscal sustainability.

At the client's discretion, following the CFAI requirements, community engagement would be necessary to ensure that there is congruence between the Department's desire to provide exemplary service and the community's expectations of services. This may have been completed in conjunction with the community input during the previous strategic planning process. However, any community engagement activities or decisions will be at the Client's discretion.

## ■ COMPENSATION STUDY

The *FITCH* team will work with the City, Department, and Local 643 to identify the appropriate list of comparable agencies and to refine the variables identified within the RFP (if desired). Typically, the bargaining process has identified comparable agencies to utilize, but we wanted to ensure that this opportunity was available to refine the comparable peer agencies and with the context of why some agencies were included or excluded. For example, while a high-level variable such as population, municipal geography, or number of budgeted FTEs might be enticing, there may be additional variables that may be more appropriately provided such as the operations, deployment, scope of services, schedule, or the underpinning socioeconomic and demographic conditions within the similarly sized agencies.

## ■ PROJECT MANAGEMENT AND INTERACTION WITH THE CITY

Our project management is a disciplined and structured process. Key activities are clearly outlined and logically organized to produce specific deliverables within the defined period. We will review our progress against the work plan on a regular basis to ensure that we are progressing according to plan. Any deviations will be flagged immediately, and appropriate action taken, through discussion with you, to address issues.

As designed, this project will be transparent and highly collaborative. It is essential to the *FITCH* team that the key stakeholders have sufficient opportunity for input and guidance throughout the project. This proposal is assuming a kick-off meeting with the City leadership. As proposed, the *FITCH* team will conduct a minimum of two onsite visits including a formal presentation of the findings and at least one public input meeting, for each agency (if desired). At a minimum, the *FITCH* team will meet with elected officials, fire department administration, labor and identified key stakeholders.



# Statement of Qualifications

## Brief Firm History

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Fitch & Associates, LLC is a Limited Liability Company initially established as a corporation in 1984. The Firm is located in Platte City, Missouri, a suburb of Kansas City. Our physical mailing address and my contact information are: *FITCH* has earned credibility for nearly forty years by implementing innovative, customized solutions in the public safety and healthcare arenas. The Firm has consulted with over 1,500 communities in 50 U.S. states, every Canadian Province, and 12 other countries.

Projects have included objective reviews, system assessments, communications system design, consolidations, mergers, strategic partnerships, enhancement studies, and detailed operational, financial, and transition management services.

*FITCH's* success is attributable to its experience, credibility, and the solid consulting methodologies it develops and applies to reflect individual situations. Our collaborative approach facilitates support for implementation and long-term system stability. Project research outcomes are data-driven and identified within a community-specific, comprehensive, objective, and accurate framework.

## Firm Experience with Community Risk Assessments, Standards of Cover, and Other Operational Assessments

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In addition to the intuitive strengths derived from leadership in the emergency services field and nearly 40 years of consulting, *FITCH* also offers specific expertise gained from multiple projects that required similar expertise to the one proposed. *FITCH* has evaluated numerous communities' needs and provided leadership in a variety of projects that involved collaboration by many different agencies for the common good. We have an ability to keep focused on the final result while keeping the planning process moving.

In this section titled "References" we provide a brief description and contact information for references. In addition, the following cities and counties are current clients where we have either recently finished or are still completing the consultancy, specifically for a Community Risk Assessment and Standards of Cover and/or the Strategic Planning within the last 5 to 10 years.

- Prince Georges County, MD
- City of Houston, TX (EMS Assessment)
- City of Santa Fe, NM
- Oklahoma City, OK
- City of Dallas, TX
- El Dorado County ESA JPA, CA (EMS Assessment)
- Kennewick, WA
- Richland, WA
- Pasco, WA
- Snohomish County Fire District #7, WA (3<sup>rd</sup> Project after Mergers)
- City of Vancouver, WA (4th project)
- Central Pierce Fire District, WA (EMS assessment)
- City of Gresham, OR
- City of Scranton, PA (EMS Feasibility Study)
- City of North Canton, OH (EMS Feasibility Study)
- City of Manteca, CA
- Suisun City, CA
- City of Sanger, CA
- City of Roseville, CA
- City of Encinitas, CA
- City of Rocklin, CA
- City of Burleson, TX (EMS Feasibility Study)
- Bedford County, VA
- City of Richmond, VA
- St. Martin Parish, LA
- City of Rochester, NY (2<sup>nd</sup> Project – EMS Feasibility and Compliance Study)
- City of Orlando, FL (EMS Assessment)
- Clallam County Fire District #3, WA
- Camano Island, WA
- City of Tampa, FL
- Polk County, FL
- City of Cape Coral, FL
- Richland County, SC
- York County, SC
- Lancaster County, SC
- City of North Port, FL (2<sup>nd</sup> project)
- City of Mount Dora, FL
- Volusia County, FL (2 projects)
- City of Ft. Myers, FL
- City of Ft. Myers Beach, FL
- St. George's Fire District, LA
- Mountain View Fire District, CO
- City of Deltona, FL
- San Carlos Park Fire District, FL
- Lehigh Acres Fire District, FL
- Bonita Springs Fire District, FL (2<sup>nd</sup> project)
- Estero Fire District, FL (2<sup>nd</sup> project)
- City of Watsonville, CA
- City of Riverside, CA
- Tuolumne County, CA
- City of Modesto, CA
- Santa Clara County, CA

## Qualifications of the FITCH Team

*FITCH's* specific strengths for this project are centered on objectively conducting research, managing multiple project priorities, and blending expert and local resources while building support for the outcome(s). Our key strengths include talented and experienced consultants who are leaders in their field, time-tested methods, quality teamwork, timeliness, and the ability to provide tangible results.



### **Talent**

Team members are all subject matter experts and leaders in their fields and have been selected for their particular areas of expertise that match the requirements of this project.



### **Time-Tested Methodologies**

*FITCH's* experience represents an unparalleled base for the tasks at hand; we have worked with local, state, and federal government agencies, municipal and volunteer fire departments, ambulance services, and hospitals.



### **Teamwork**

*FITCH* has stayed true to its core values by accomplishing projects using a collaborative approach offering high level involvement for system participants without compromising the independent or objective nature of the project.



### **Timeliness**

*FITCH* is known for consultant access, responsiveness, producing its work on or before the scheduled completion date and within budget. Timeliness also involves.



### **Tangibles**

*FITCH* is known for developing innovative solutions to complex issues, and our recommendations and tangible work products have been implemented more frequently than any national public-safety consulting firm.

Members of the *FITCH* project team are highly qualified academically with some serving as faculty members at leading educational institutions. Most importantly, *FITCH* has real-world experience managing large urban and rural services across the nation and a track record of content-specific consulting. Each of the firm's partners and the project director proposed for this project has extensive



emergency services management experience. The commitment of top-level resources underscores the importance *FITCH* places on this project team.

We propose a team of experts in municipal leadership, fire protection, and emergency medical services to assess performance and explore options for your agency to operate within funding limitations while preparing for the agencies' future service delivery in an operationally effective, efficient, and sustainable manner that is aligned with the specific community risks and expectations for service.

*FITCH* is uniquely suited for this project. We have reviewed emergency service systems and developed staffing, deployment plans, and future oriented strategic initiatives for nearly 40 years. We have taught multiple approaches for fire and EMS deployment models for more than a decade as part of the Communications Center Manager's (CCM) program and the Ambulance Service Managers program (ASM) we conduct under the auspices of the International Academies of Emergency Dispatch (IAED) and the American Ambulance Association, respectively. We have served as a resource for detailed reports on emergency services and are a Strategic Partner of the International City and County Management Association (ICMA).

## ■ BEST PRACTICES UTILIZED BY FITCH & ASSOCIATES

*FITCH* remains on the cutting edge of best practices in the fire and emergency medical services. Our consultants are intimately involved with many state and national associations and are frequent presenters at international conferences:

- Fire Rescue International by the International Association of Fire Chiefs (IAFC)
- Firehouse World
- Excellence Conference by the Center for Public Safety Excellence and the Commission on Fire Accreditation International (CPSE/CFAI)
- Volunteer Chiefs Association (VCOS)
- Canadian EMS Chiefs Conference
- Ontario Fire Chiefs Association
- International City/County Management Association (ICMA)
- Navigator - International Academies of Emergency Dispatch (IAED)
- EMS World
- EMS World – Europe
- EMS World – Latin America
- National Forum for Black Public Administrators (NFBPA)



Additionally, your proposed team has presented at the following state associations:

- California League of Cities
- Florida Fire Chiefs Association
- Louisiana Fire Chiefs Association
- Texas Fire Chiefs Education Conference
- Illinois Fire Chiefs Association
- Washington Fire Chiefs Association
- Nevada Fire Chiefs Association (Nevada Fire Show)
- Connecticut Fire Chiefs Association
- Georgia EMS Conference

Finally, *FITCH* hosts its own conference on Fire/EMS best practices titled Pinnacle Leadership. All of these efforts assist *FITCH* in maintaining our best practices approach to consulting and advising. For example, a proprietary process is utilized to develop a temporal and demand based geographic marginal utility model that is leading edge in designing fire and EMS systems in a manner that best articulates and describes both return on investment of resource allocation and the assumption of risk by the community.

## ■ TEAM PERSONNEL AND EXPERIENCE

*FITCH'S* proposed team has considerable expertise in all facets of the strategic assessment and planning process. For example, Dr. Steven Knight was the accreditation manager for the City of St. Petersburg Fire & Rescue's, FL department for two successful rounds of accreditation. While the accreditation manager, Chief Knight developed and managed the standards of coverage plan and strategic planning process. In addition, Chief Knight has served as a peer team leader and assessor for more than a dozen agencies while assisting the Center for Public Safety Excellence (CPSE) and the Commission on Fire Accreditation International (CFAI), all of whom included a detailed evaluation of the quality of the community risk assessment, standards of response coverage, and strategic planning documents.

Chief Brad Brown, Ed.D., has spent the majority of his career within Michigan and is currently the fire chief of Grand Rapids. Dr. Brown has specific expertise in CRA/SOC processes and the Michigan Administrative Code and other state and local requirements that may be unique to Michigan.

All team members are very informed and regularly reference the research in evidenced-based medicine, NIOSH Studies, NIST Studies, Underwriters Laboratories (UL) studies, NFPA, CFAI, ISO, and other national guidelines, benchmarking, or best practices.

Overall, the team brings considerable operational experience for the requested scope of work and seamlessly integrates the political acumen to work within an environment of potentially competing demands and interests and find reasonable and implementable solutions across the stakeholders.

All of *FITCH*'s fire service consultants have spent a career in the field and management of fire and rescue services providing specific understanding and insight into the challenges and complexities of managing emergency services within a dynamic and changing environment.

#### ■ SERVICE AVAILABILITY

*FITCH* does not allow our consultants to work more than three projects at a time. In addition, if the projects are large or complex, we may limit the consultants' commitments accordingly. As a client centric and high-engagement consulting firm, we ensure that the resources and personnel dedicated to the project have ample time and availability to accomplish all goals and tasks as designed.

Additionally, as a client centric firm, we routinely work outside of "traditional" working hours to accommodate differences in time zones, public engagement and publicly noticed meetings, as well as travel. In other words, we will accommodate the schedules that best meet our clients' needs.

We make every effort to respond to communications within the same day, but if unable to do so, we will return communications with 24 hours. All of these activities and control measures ensure that we complete projects on time and within budget.

#### ■ PROJECT OBJECTIVITY AND NEUTRALITY

The *FITCH* team has broad-based expertise that naturally blends the competing demands for efficiency and system design in an objective and neutral manner. By design, the firm utilizes a data and research-based foundation, coupled with inner rater reliability procedures, that controls for the naturally occurring biases. Our firm has extensive experience in high-performance system design and efficiency in the use of human and physical resources. Finally, *FITCH* brings nearly 150 years of direct fire/EMS service system leadership and management experience to this project that serves to balance the "do more with less" movement with realistic and highly implementable solutions for long-term sustainability while maintaining high quality services.



## ■ AREAS OF CONCERN AND VARIABLE STAKEHOLDER INTERESTS

As a high-engagement and transparent consultancy, there are times that the various stakeholder groups may have competing interests. *FITCH* has extensive experience navigating the political and stakeholder environments to find implementable solutions. We spend considerable effort attempting to ensure and/or create commonality of purpose within these consultancies. Finally, as discussed previously, the advantage of utilizing an objective data-driven process serves to establish a common understanding and discussion around the “facts” first and education and transparent discussions may serve to limit the variability of interests.

There is not a specific area of concern, but rather a typical observation for project planning and timelines. As a data-driven process, the timeline doesn’t materially begin until the *FITCH* team receives usable data that was requested at contract execution. In other words, any delays that may arise are typically due to the delay in receiving the necessary raw data to begin.

## Desired Qualifications

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### ■ EXPERIENCE AS A UNIFORMED MEMBER OF A CAREER FIRE SERVICE

All members of the on-site consulting team have spent their careers in uniformed, career, and municipal fire departments with extensive experience operating in a labor-management environment.

Chief’s Knight and Brown both have doctoral degrees. Dr. Knight’s doctoral cognate was specifically in Research and Measurement and was awarded the A. Don Manno award for Excellence in Research from the US Fire Administration/FEMA/National Fire Academy.

### ■ PUBLIC SECTOR EXPERIENCE AND POLITICAL AND MANAGEMENT ACUMEN

All primary members of the consulting team have spent their careers in the public sector with municipal career fire departments. Chief Brown is currently a fire chief for a municipality within Michigan. Chief Dauer served as the liaison to the Mayor’s office. Chief Knight worked for ICMA prior to joining Fitch & Associates in 2014.

*FITCH* excels at understanding the political acumen of guiding policy discussions with objective and unbiased data so that policy can be established with confidence that balances the fiscal and operational

realities with expectations and/or desired service levels. In other words, we assist in providing context to balance the ability or desire to purchase protection and the community's willingness to assume risk.

Finally, we spent sufficient time with our clients to understand the political and fiscal environments to best guide policy discourse and potential alternatives that are implementable and sustainable. We are not a firm that wants to provide a report that sits on a shelf or has little opportunity for success.

All of the primary consultants that would be utilized on this project have served in chief officer positions with direct responsibility for maintaining effective relationships between management and labor, participate in collective bargaining and negotiations, and oversee all matters of discipline and daily operations within the boundaries of the collective bargaining agreements. This is held true for both sworn and civilian personnel.

#### ■ KNOWLEDGE OF MICHIGAN AND INDUSTRY BEST PRACTICES

The project team has extensive experience and understanding with the National Fire Protection Association (NFPA), the Insurance Services Organization (ISO), the Commission on Fire Accreditation International (CFAI) and the Center for Public Safety Excellence (CPSE), the International Association of Fire Fighters (IAFF) and the International Association of Fire Chiefs (IAFC).

All team members are very informed and regularly reference the research in evidenced-based medicine, NIOSH Studies, NIST Studies, Underwriters Laboratories (UL) studies, NFPA, CFAI, ISO, and other national guidelines, benchmarking, or best practices.

In addition, the team includes expertise in Michigan team have extensive and personal experience with Michigan Administrative Code and other dynamic elements within the State of Michigan.

Finally, *Fitch* has a robust database of comparative agencies after 40-years of experience to provide contextual discussion around desired performance, best practices, and community expectations.

#### ■ 40 YEARS OF EXPERT CONSULTING SERVICES

Fitch & Associates is in its 40<sup>th</sup> year of providing expert consulting services. Our projects provide a robust fiscal assessment of potential alternatives as well as the pros/cons of implementation.

Our firm provides valuations for mergers and acquisitions of ground ambulance, air transport programs, and within the hospital environment. In addition, our firm provides management services so that there is a continuous feedback process between our expert consulting and data analyses and actual real work



application. We do not provide theoretical solutions but rather strategies that can be implemented with confidence. In other words, we practice what we preach!

## HIPAA Compliance

Nearly every project that the *FITCH* team works with has implications with HIPAA compliance. In most instances, the liability is covered with language in the contract for project. In other instances, a specific BAA can be entered into that demonstrates that *FITCH* is an approved agent of the City and has access to the data and clearly articulates the required data protections.

The project process utilizes a ShareFile system that meets the requisite encryption and protections required for HIPAA compliance. We conduct approximately 50 to 100 projects per year and have never had any issues with compliance.

With that said, in general, there is no need to share protected information. We can accomplish the project objectives with anonymized data. The date, time, address, and type of emergency is generally sufficient. We will never request names or other personal patient data such as social security numbers, age, financial status, etc.

All final work products are aggregated and anonymized. For example, heat maps may identify areas of the highest concentration of calls, but no specific attribution to any single event.

# References

In addition to the intuitive strengths derived from leadership in the emergency services field and more than three decades of consulting, *FITCH* also offers specific expertise gained from multiple projects that required similar expertise to the one proposed. *FITCH* has evaluated numerous communities' needs and provided leadership in a variety of projects that involved collaboration by many different agencies for the common good. We have an ability to keep focused on the final result while keeping the planning process moving.

*FITCH* is uniquely qualified to conduct this review. *FITCH* specializes in public safety consulting and has direct experience with assignments similar to yours. Below are several projects that demonstrate our experience developing community risk assessments and standards of coverage documents for public fire agencies.

## ■ SNOHOMISH FIRE DISTRICT #7, WASHINGTON

*FITCH* was originally contracted only to complete a Standards of Cover process for the Fire District. *FITCH* was retained to facilitate the establishment and adoption of risk-based deployment strategies. Prior to completing the project, the client requested additional assistance with an organizational efficiency study. The completed study provided 13 strategic recommendations to the agency that would provide more efficiency within the administrative and operational divisions. Within two years 12 of the 13 recommendations were implemented with positive results.

Additionally, the District once again retained Fitch & Associates to update and consolidate their Standards of Cover document to include a newly merged fire district.

The contact for the Fire District is Deputy Chief of Operations Chief Ryan Lundquist, project manager/accreditation manager. He can be reached at [Ryan.Lundquist@srfr.org](mailto:Ryan.Lundquist@srfr.org) or 360-926-4008.

The project demonstrates the firm's experience with Standard of Response Coverage Development.

## ■ CITY OF VANCOUVER FIRE DEPARTMENT, VANCOUVER, WA

*FITCH* was retained to complete a review of the City's EMS program and its relationship with the County and EMS District 2. The City made the decision to withdraw and not participate in the upcoming ambulance transport procurement prior to the consultation. In determining the optimal structure for





the system, *FITCH* developed a strategy approved by both agencies to reverse roles and have the City lead the procurement process enabling the enhancements the City sought but preserving the economic advantages of procuring a single transport provider and maintaining service availability throughout the City and County. The firm subsequently analyzed coverage requirements, prepared detailed specifications, and conducted a national procurement process. This project was concluded in 2014.

Subsequently, *FITCH* was contracted to complete a Standards of Cover that focuses efforts on outcomes and deemphasizing response time, this was completed in August 2019. Additionally, the City has asked *FITCH* to complete a compliance evaluation for the ambulance service contract they manage. This project concluded in June 2020.

The contact for these projects is Tara Erickson at tara.erickson9@gmail.com or 360-903-5037.

The project demonstrates the firm's experience with Community Risk Assessment and Standards of Response Coverage Development as well as EMS assessments.

#### ■ CITY OF ORLANDO, FL

The City of Orlando contracted with the firm to complete a strategic business planning process. *FITCH* was retained to facilitate the establishment and adoption of risk-based deployment and staffing alternatives to include fire department-based patient transportation services for all incidents within the municipal area. The review identified and quantified risks and provided the operational and fiscal impacts to alternatives to the current service delivery model that best aligns risk, demand, and resource allocations.

*FITCH* was again retained for guidance and implementation of services during the transition period. This part of the project went live in early February 2019 and concluded in April 2019.

The contact for this project is Assistant Fire Chief Kevin Preston. He can be reached at 321-229-2088 or kevin.preston@cityoforlando.net.

The project demonstrates the firm's experience with fire based dynamic deployment, alternative scheduling, workweek and costs projections, as well as strategic planning development and rapid implementation. Primarily an EMS planning assessment.



## ■ POLK COUNTY, FL

Polk County contracted with the firm to assist the agency with an evaluation of fire rescue operations, station locations, and deployment strategies through the development of a Standards of Cover document for the department. *FITCH* completed comprehensive data and GIS analyses that the Department. *FITCH* assisted with recommendations for optimized station locations as well as reviewed multiple sites identified by the County. Ultimately, the County has moved forward with planning for approximately 15 additional fire stations and nearly 30 additional ambulances. The project was completed in the fall of 2018.

Subsequently, the County has hired *FITCH* again to complete an Alternative Staffing and Scheduling Study. This project will commence in May of 2019.

The contact for this project is Fire Chief Anthony Stravino. He can be reached at 954-757-8976 or [tony\\_stravino@icloud.com](mailto:tony_stravino@icloud.com).

The project demonstrates the firm's experience with Standard of Response Coverage Development, comprehensive quantitative data analyses, station location studies, and GIS analyses that balance local policy with NFPA, CFAI, and ISO guiding documents within the local fiscal and political environment. This study also contemplated optimized staffing strategies within the current staffing matrix.

# PROPOSED PROJECT COST

As proposed, this project will be a fixed cost, not to exceed, price of \$49,995 including all travel and expenses. This proposal encompasses the development and completion of a *Community Risk Assessment* and *Standards of Cover* and includes a minimum of two on-site visits that will include structured interviews, direct observations, and onsite final presentations. This fixed-cost pricing is inclusive of this proposal response. We anticipate a project completion of 4 to 6 months.

The following describes the professional services fee for each area of the assessment.

| Project Activity                                                         | Professional fee |
|--------------------------------------------------------------------------|------------------|
| Professional Services – Community Risk Assessment and Standards of Cover | \$49,995         |
| Travel and Expenses (Project Kick-off and Final Presentation)            | Included         |
| Total Fixed Cost – Not to Exceed Value                                   | \$49,995         |

As a fixed cost price agreement, *FITCH* holds the liability of completing all elements of the RFP and this proposal and insulates the client from additional costs for within scope items.

There are no ongoing or recurring costs, software costs, or software maintenance costs.

At the Client's sole discretion, additional services, or implementation services can be accomplished at either \$275/hour for individual hourly requests or mutually agree to amend the contract for another fixed cost amount.

Similarly, at the Client's sole discretion, additional onsite work can be accommodated and billed at \$5,000 per consultant per trip.

# Key Personnel

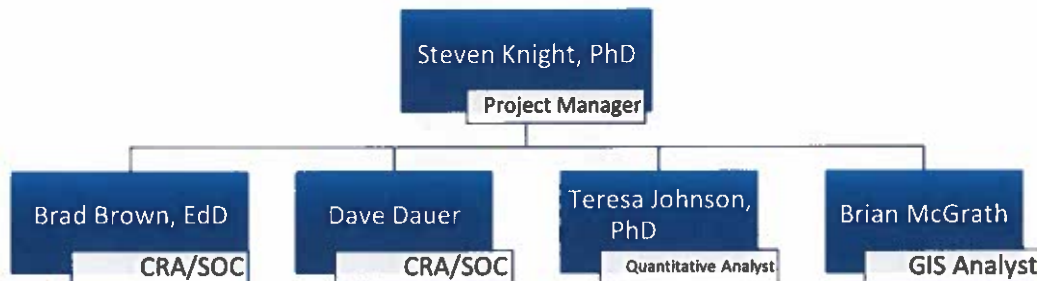


Figure 1: FITCH Team Project Organizational Chart

The following biographical profiles highlight the expert qualifications this team brings to the project.

## Project Team Members

**Chief Steven Knight (Ret.), PhD, Partner – Project Lead.** Dr. Knight has nearly 25 years of experience and recently retired as the Assistant Fire/EMS Chief for the City of St. Petersburg, Florida. He is a subject matter expert for both the National Fire Academy and the Center for Public Safety Excellence (CPSE). He has also served as a team leader and peer assessor for the Commission on Fire Accreditation International (CFAI) and has held multiple faculty appointments in Fire Science and EMS. Dr. Knight previously served the International City and County Management Association (ICMA), as the Senior Manager for Fire and EMS.

Dr. Knight holds a PhD from the University of South Florida in curriculum and instruction and a minor in research and measurement, a master's degree in public administration from Troy University and a bachelor's in Fire & Safety Engineering from the University of Cincinnati. Chief Knight is also a graduate of and previous faculty for the Executive Fire Officer Program (EFO) through the U.S. Fire Administration, Federal Emergency Management Agency. Knight has been accredited multiple times as a Chief Fire Officer (CFO) through the Center for Professional Credentialing. Knight also served as an adjunct professor at St. Petersburg College and the State College of Florida in their Fire Science and Public Safety Administration Programs, is the former program director for Emergency Medical Services at the Manatee Technical Institute and is an affiliate faculty with the University of Central Florida's College of Medicine.



**Chief Brad Brown, EdD, EFO, CFO – Senior Consultant.** Dr. Brown started his fire service career in 1996 and currently serves as the Fire Chief of Administration for the Grand Rapids, MI fire department. He led his department to ISO Class 1 and Internationally Accredited status, also serving as a peer assessor for the Center for Public Safety Excellence while being awarded the CFAI Ray Picard Award for his continued leadership and contributions to the fire service. During his doctoral coursework, he was awarded the 2018 Richard A. Freund International Scholarship from the American Society for Quality. Brad served as a voting alternate member on the 2020 edition of NFPA 1710. He has presented numerous times over the past several years for the Michigan Lean Consortium, the American Society for Quality, the Association for Manufacturing Excellence, and the Center for Public Safety Excellence.

Brad earned an AAS in Fire Protection Technology from Guilford Technical Community College, and AAS in Fire Prevention and Investigation from Delta College, a Bachelor of Business Administration with a major in Fire Service Management from Northwood University, an MS in Executive Fire Service Leadership from Grand Canyon University, and his Doctor of Education in Organizational Leadership and Development from Cornerstone University. He completed the Executive Fire Officer (EFO) program at the National Fire Academy and holds the Chief Fire Officer (CFO) designation from the Center for Public Safety Excellence in addition to a lean champion certification through Grand Rapids Community College.

**Dave Dauer – Consultant – Fire and EMS.** Dave Dauer serves as a team leader, assessor, and annual compliance reviewer for the Center for Public Safety Excellence (CPSE) and Commission and Fire Accreditation International (CFAI). In that role, he has led numerous assessments of major cities, smaller communities, and Department of Defense bases. All assessments include comprehensive standards of cover and strategic plan reviews. Also, as an annual compliance reviewer for CPSE for documents submitted by accredited agencies, he provides extensive review and advice on continuous quality improvements to 60 agencies per year.

He brings over 42 years of fire/EMS experience. He retired as the Chief Financial Officer for the Toledo Fire and Rescue Department but was immediately hired back in charge of performance management, ISO and accreditation compliance. He formed and facilitates the Michigan-Ohio-Indiana-Kentucky CPSE Consortium. The purpose of the consortium is to provide education based upon standards and best practices that is expected of a modern credible organization and expand the knowledge and skills of fire and emergency services personnel. He has instructed numerous times on risk assessments, standards of cover, strategic planning process, and leadership & development.

**Teresa R. Johnson, PhD - Senior Consultant-Data Analyst.** Dr. Johnson served as the Director of the Office of Assessment and Evaluation at the Johns Hopkins University School of Medicine (JHUSOM). In

this role, she is responsible for designing and launching initiatives related to the assessment of students and the evaluation of programs in undergraduate, graduate, and continuing medical education, graduate biomedical education, and post-doctoral training. She establishes strong partnerships with faculty members and program administrators to ensure that assessment and program evaluation activities align with learner needs, program goals, accreditation standards, and evidence-based best practices.

Prior to joining Johns Hopkins, Dr. Johnson served in a similar role at the University of Central Florida's College of Medicine.

Dr. Johnson completed her M.S. and Ph.D. degrees in Educational and Sport Psychology at Florida State University (FSU) in Tallahassee, FL. During her graduate studies, she worked as a Sport Psychology Consultant for the FSU NCAA Division I women's softball and men's golf teams and taught undergraduate sections of Sport Psychology and Classroom Applications of Educational Psychology.

**Brian McGrath – Senior Consultant – GIS and Mapping Analyst.** Brian McGrath serves as President of CAD North Inc. His responsibilities include Administration, Marketing, Software Development and Business Analysis/Requirements Documentation. He brings over 18 years' experience in Information Systems management and development in the public safety industry including 10+ years Business and Systems Analysis in public safety software development. He has exceptional ability at requirements capture, analysis and documentation and is fully conversant with all aspects of the software product development and implementation lifecycle. He is an experienced software developer of public safety dispatch applications including software development using TriTech's RAPTOR API. He possesses excellent communications and interpersonal skills, is comfortable at all organizational levels and has a solid base of operational experience in public safety communications.

## ■ UTILIZATION OF SUB-CONSULTANTS

*FITCH* does not utilize any sub-consultants. All of our consultants work exclusively for the firm.

**FITCH**

**& ASSOCIATES**

## PROFESSIONAL CONSULTING SERVICES AGREEMENT

THIS PROFESSIONAL CONSULTING SERVICES AGREEMENT, (“**Agreement**”) is made and entered into as of May 8, 2025, the (“**Effective Date**”) by and among **FITCH & ASSOCIATES, LLC** (“**Consultant**”), and **CITY OF MARQUETTE MICHIGAN** (“**Client**”).

1. **Retention of Consultant.** Client wishes to benefit from Consultant’s industry expertise and knowledge in the area of Fire Services. Therefore, on the terms and conditions set forth in this Agreement, Client engages Consultant to perform the consulting services described below, and Consultant accepts such retention by Client. Consultant warrants that it has no non-compete or other agreement, arrangement, or conflict of interest that prevents or would prevent Consultant from carrying out and performing the Services (as defined below) under this Agreement.
2. **Services.** Consultant shall provide to Client the services described in **Exhibit A** (the “**Services**”). Such Services shall be performed in accordance with: (i) applicable laws, rules and regulations; (ii) generally accepted industry standards; (iii) applicable rules, regulations, policies and standards of Client as provided by Client to Consultant. Client agrees and acknowledges that Consultant is not performing Services for Client on an exclusive or full-time basis.
3. **Qualifications.** Consultant shall have and maintain during the term of this Agreement all licenses, permits, certifications, registrations, accreditations and approvals as are required by applicable law for Consultant to provide the Services to Client, and shall promptly notify Client of the loss, suspension, or material restriction of any of the foregoing.
4. **Compensation.** Client shall compensate Consultant for performing the Services outlined in **Exhibit A** in the manner as described in **Exhibit B**. Upon request by Client, Consultant shall submit documentation to Client, describing in detail Consultant’s activities in performing the Services. Compensation for Services shall be made payable to Consultant and sent to the address set forth in **Exhibit B** or sent electronically using the routing number and account number set forth in **Exhibit B**. Undisputed invoices are to be paid within thirty (30) days of receipt by Client.
5. **Term.** This Agreement shall commence on the Effective Date and shall continue until completion of the Services as outlined in Exhibit A, unless terminated earlier or extended as provided in this Agreement.
6. **Termination of Agreement** This Agreement may be terminated prior to completion of the Services, as follows:
  - (a) Client shall have the right to immediately terminate this Agreement if Consultant:
    - (i) attempts to assign or otherwise transfer this Agreement without Client’s prior written consent; or (ii) materially breach(es) of Section 10 of this Agreement, to the extent Section 10 is applicable to this Agreement;
  - (b) If Consultant breaches any term of this Agreement, and fails to cure such breach within ten (10) business days following receipt of Client written notice of the breach, Client may terminate this Agreement, provided that Client shall be responsible for payment of any undisputed and completed Services incurred by Consultant prior to the termination date;

- (c) If Client breaches any term of this Agreement, and fails to cure such breach within ten (10) business days following receipt of Consultant's written notice of the breach, Consultant may terminate this Agreement and Consultant shall be entitled to recover payment of any undisputed and completed Services incurred by Consultant prior to the termination date; and
- (d) Client shall be entitled to terminate this Agreement at any time without cause upon thirty (30) calendar days' advance written notice to Consultant. In the event Client determines not to proceed with this Agreement during its term, the Consultant may retain all installment sums previously paid by Client and also bill Client for any non-cancellable expenses incurred and for work actually performed prior to the notice of termination but not yet paid by Client at an hourly rate of \$275 USD.

Upon the termination of this Agreement, the parties shall have no further rights or obligations under this Agreement, except as otherwise provided for in this Agreement, including, without limitation, under Sections 8-12, and except to the extent accruing prior to the effective date of such termination.

7. **Insurance.** Throughout the term of this Agreement, Consultant agrees to carry and maintain, at its expense and in connection with this Agreement, such insurance coverage as is customary in Consultant's line of business. At a minimum, such insurance coverage shall include each of the following coverages:

- (a) Professional liability insurance, providing coverage of at least \$1,000,000 per occurrence and at least \$3,000,000 in the aggregate. Both the occurrence and annual aggregate limits shall be separately applicable to Consultant and each of the licensed professionals providing Services on its behalf under this Agreement.
- (b) Commercial general liability insurance, providing blanket contractual coverage with combined single limit, bodily injury, and property damage liability of at least \$1,000,000 per occurrence and at least \$3,000,000 in the annual aggregate.
- (c) Workers' Compensation, providing statutory limits and any other elements of protection required by applicable law, with a waiver of subrogation against Client and its affiliates.
- (d) Employer's Liability, providing coverage of at least \$1,000,000 per occurrence.
- (e) Such other coverages and limits as may be mutually agreed upon by Consultant and Client from time to time based on the nature of Services provided under this Agreement.

Except for Workers' Compensation and Employer's Liability insurance, each of the required coverages shall be provided by means of a policy or policies of insurance and if requested in writing by Client, name Client as an additional insured under each policy. Consultant shall not cancel, limit, or reduce any such coverages in any way without 30 calendar days' prior written notice to Client. Upon request, current certificates of insurance evidencing the required coverages shall be given to Client. The provisions in this Section shall



survive termination of this Agreement in accordance with the terms of such insurance coverage.

8. **Indemnification.** Each party (“**Indemnifying Party**”) assumes responsibility and liability for the actions of itself, its employees, and its agents relating to this Agreement. Each party agrees to cooperate with the other, to the extent applicable under the circumstances, in the investigation and/or settlement of any loss or damage or alleged loss or damage arising out of this Agreement. The provisions in this Section shall survive termination of this Agreement.
9. **Nondisclosure of Confidential Information.** Client and Consultant acknowledge that, in the course of the performance of this Agreement, they will have access to information or communications, including proprietary information claimed to be unique, or confidential, and which constitutes the exclusive property or trade secrets of the other party, and not made generally public (the “**Confidential Information**”). Client and Consultant agree to maintain the confidentiality of the Confidential Information and to use the Confidential Information only to the extent necessary for legitimate business uses in connection with this Agreement. Client and Consultant will use commercially reasonable efforts and take all reasonable precautions to protect the Confidential Information. Client and Consultant agree to hold in strict confidence all Confidential Information related to this Agreement in order to ensure such Confidential Information is not disclosed to any third persons other than Qualified Third Parties (as defined below), unless required to do so by law, without the prior written consent of the other party. For purposes of this Section, “**Qualified Third Parties**” shall include those advisors, attorneys, accountants, consultants and/or other representatives as necessary to enforce its rights and perform its agreements and obligations under this Agreement. While Qualified Third Parties may receive information without the prior written consent of Client or Consultant, all such Qualified Third Parties shall be informed that the shared information is confidential and should be treated as such by them consistent with the terms of this Agreement. The term “**Confidential Information**” shall not include any information that (i) becomes generally available to the public other than as a result of a disclosure by the receiving party, its affiliate representatives, directors, officers, employees or agents, (ii) was in the possession of the receiving party on a non-confidential basis prior to its disclosure to the receiving party by the disclosing party or (iii) becomes available to the receiving party on a non-confidential basis from a source other than the disclosing party that is entitled to make the disclosure to the receiving party without violation of any obligation of confidentiality to the disclosing party or any other party. The provisions of this Section shall be binding on the parties and shall survive the termination of this Agreement.
10. **Ownership of Deliverables.** All Deliverables (as defined in Section 13 below) which are prepared by the Consultant specifically and exclusively for Client in the performance of the Services under this Agreement, upon full and final payment to Consultant hereunder, shall become the property of Client and, unless previously delivered to Client, shall be delivered to Client upon termination of this Agreement if Client so requests. Unless Consultant provides its prior written consent, Client shall not use or disclose to any third party, except its attorneys, accountants, or financial advisors with a need to know, any Services, Deliverables or Consultant Information other than as mutually contemplated when Consultant first was retained to provide the Services, and Consultant shall have no liability with respect to, modifications made by Client or its representatives to the Deliverables.
11. **Patient Information.** The parties do not anticipate that Consultant will need or be given access to any protected health information, as that term is defined by the Health Insurance and Portability and Accountability Act of 1996 (“**HIPAA**”), under this Agreement. Provided, however, to the extent that Consultant needs or is given access to any protected health information of Client to provide Services, Consultant agrees that it will enter into Client’s

standard business associate agreement or addendum prior to such access and prior to any resulting use or disclosure.

12. **Remedies.** Consultant acknowledges that Client's remedy at law for any breach by Consultant of its obligations under Sections 9 or 10 of this Agreement would likely be inadequate, and further acknowledges that, notwithstanding any other provision of this Agreement, temporary and permanent injunctive relief may be sought from any appropriate tribunals or courts and granted in any court or other tribunal proceeding to enforce Sections 9 and/or 10, as applicable, without the necessity of proof of actual damage. However, this Section shall in no way affect Client rights and remedies afforded by law, and Client shall retain the right to recover such damages as Client may have sustained by reason of any breach of this Agreement. The provisions in this Section shall survive termination of this Agreement.

Client acknowledges that Consultant's remedy at law for any breach by Client of its obligations under Sections 9 of this Agreement would likely be inadequate, and further acknowledges that, notwithstanding any other provision of this Agreement, temporary and permanent injunctive relief may be sought from any appropriate tribunals or courts and granted in any court or other tribunal proceeding to enforce Sections 9 as applicable, without the necessity of proof of actual damage. However, this Section shall in no way affect Consultant's rights and remedies afforded by law, and Consultant shall retain the right to recover such damages as Consultant may have sustained by reason of any breach of this Agreement. The provisions in this Section shall survive termination of this Agreement.

13. **Work Product Generated by Consultant During Provision of Services.** Consultant shall prepare all deliverables set forth in **Exhibit A**, as its deliverables in providing the Services pursuant to this Agreement (the "**Deliverables**"). Consultant represents and warrants that all work produced in the Deliverables will be original and will not infringe on any intellectual property rights of any third party. The parties acknowledge that the Deliverables are the exclusive property of Client, except to the extent that such records include information which is publicly available (unless publicly available through a breach of this Agreement by Consultant), and subject to the rights of Consultant as described below.
14. **Pre-Existing Works.** Each party acknowledges that the other party (the "**Owner**") owns all of its pre-existing works, as well as all notes, work papers and other internal documents which are developed by the Owner independently of this Agreement and the Services and without use of the other party's Confidential Information and which are not otherwise public records (collectively, the "**IP**"). Each party further acknowledges that the Owner may own the copyright in such IP. A non-owning party may not use, nor allow any of its agents or employees to use, such IP in any manner, other than in connection with this Agreement, unless such use is expressly consented to in writing, in advance, by the Owner, except as set forth in this section. Notwithstanding the foregoing, Consultant hereby grants to Client, and Client hereby accepts, a non-exclusive worldwide, perpetual, irrevocable, royalty-free, fully paid-up license to freely use any of Consultant's IP contained in the Deliverables or reasonably necessary for the use of the Deliverables as intended, for Client internal business purposes. Such license shall be transferable in connection with a sale, merger, transfer or acquisition of all or part of Client's business to which this Agreement relates. In no event will Client sell, publish for compensation, or distribute for compensation any Deliverable developed by Consultant.

Notwithstanding the foregoing, the parties acknowledge and agree that the Owner shall have and retain its rights and interest in all of its Knowledge Capital. The term "**Knowledge Capital**" shall mean the Owner's ideas, know-how, approaches, methodologies, concepts, system, skills, tools,

techniques, expressions and processes, including any intellectual property rights associated therewith. This Agreement does not preclude the Owner from developing, marketing or using, for itself or others, any services, products or other items that are the same as or similar to those provided by the Owner under this Agreement.

15. **Independent Contractor Status.** Consultant is performing the Services and duties required of Consultant pursuant to this Agreement as an independent contractor and not as an employee, partner of or joint venture with Client. Consultant shall not have authority to bind or obligate Client in any manner. Client shall neither have nor exercise any control over the methods by which Consultant accomplishes the performance of the Services. The sole interest of Client is to assure that the Services are provided in a competent, efficient, and satisfactory manner. Consultant shall be solely responsible for the payment or withholding of all income taxes, Social Security taxes, unemployment taxes, and any other similar taxes imposed by any jurisdiction, workers' compensation and other insurance required by law arising from Consultant's compensation under this Agreement.
16. **Dispute Resolution.** Consultant and Client shall in good faith attempt to resolve any controversy, dispute or disagreement arising out of or relating to this Agreement by web-based application negotiations by the Executive Directors of Consultant and Client, or their respective designees.
17. **Non-Exclusion/Conviction.** Consultant represents and warrants to Client that neither it, any of its affiliates nor any person providing Services under this Agreement: (a) is excluded from participation in any federal health care program, as defined under 42 U.S.C. § 1320a-7b (f), for the provision of items or services for which payment may be made under such federal health care programs; or (b) has been recently convicted (as that term is defined under 42 U.S.C. § 1320a-7(i)) of a criminal offense related to health care. Consultant further represents and warrants that it has not arranged or contracted (by employment or otherwise) with any employee, contractor or agent that such party or its affiliates know or should know are excluded from participation in any federal health care program, to provide Services. Consultant represents and warrants to Client that no final adverse action, as such term is defined under 42 U.S.C. § 1320a-7e (g), has occurred or is pending or threatened against such Consultant or its affiliates or to their knowledge against any employee, contractor or agent engaged to provide Services.
18. **Assignment; Benefit.** Consultant shall not assign nor subcontract (except as provided herein) any portion of its obligations under this Agreement without the prior written consent of Client and any such assignment shall be null and void. Client shall be permitted to assign this Agreement to any of its affiliates. Otherwise, this Agreement shall be binding on and inure to the benefit of the parties hereto and their respective successors, assigns, executors, representatives and heirs.
19. **Enforceability of Remainder of Agreement.** If any term, provision, covenant, or condition of this Agreement is held by a court of competent jurisdiction to be invalid or void or unenforceable, then that term, provision, covenant or condition shall be reformed or rescinded as ordered by the court. However, the remainder of this Agreement shall remain in full force and effect.
20. **Notice.** All notices, demands or other writings shall be deemed sufficiently given if (a) personally delivered, (b) delivered to an overnight mail service, call-back requested or (c) sent by electronic mail, addressed to the party to whom it is given at the addresses set forth below or such other persons or addressees or numbers as shall be given by notice of any party:

If to Client:

City of Marquette Michigan  
Finance Department  
300 W. Baraga Avenue  
Marquette, MI 49855Client  
Attn: Katie Burnette  
Email address: [kburnette@marquettemi.gov](mailto:kburnette@marquettemi.gov)

If to Consultant:  
Fitch & Associates, LLC  
2901 Williamsburg Terrace #G  
Box 170  
Platte City, MO 64079  
Attn: President  
Email address: [rpeek@emprize.net](mailto:rpeek@emprize.net)

-and-

Sandberg Phoenix P.C.  
4600 Madison Avenue, Suite 1000  
Kansas City, MO 64112  
Attn: Victoria R. (Vicki) Westerhaus  
Email address:  
[vwesterhaus@sandbergphoenix.com](mailto:vwesterhaus@sandbergphoenix.com)

**Miscellaneous.** This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan. This Agreement, including its exhibits, all of which are incorporated herein by reference, constitutes the entire understanding between the parties concerning this subject matter and supersedes any and all previous agreements between the parties on this subject matter. This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which, when taken together, shall constitute one agreement.

This Agreement may be amended or modified by a written instrument executed by Client and Consultant.

The failure by Client or Consultant to exercise any right shall not be deemed a waiver of any right. The captions of the various sections of the Agreement are not a part of its context and are inserted merely for convenience in locating the different provisions and shall be ignored in construing this Agreement.

*(signature page to follow)*

IN WITNESS WHEREOF, the parties, through their respective authorized representatives, have executed this Agreement as of the Effective Date.

FITCH & ASSOCIATES, LLC

By: Steven Knight  
Steven Knight, Partner

CITY OF MARQUETTE

By: \_\_\_\_\_  
Jessica Hanley, Mayor

\_\_\_\_\_  
Kyle Whitney, Clerk

APPROVED AS TO SUBSTANCE:

\_\_\_\_\_  
Karen K. Kovacs  
City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Suzanne C. Larsen  
City Attorney

## **EXHIBIT A**

### **Services**

Services to be provided are outlined in the attached proposal, referred to as Development of a Community Risk Assessment, Fire Services Standards of Cover, and Compensation Study, RFP#25-01 for City of Marquette, Michigan, dated 16 January 2025.

## **EXHIBIT B**

### **Compensation**

Client shall compensate Consultant for the provision of Services as follows:

- **Professional Service Fee:** The Consultant fee shall be a total project rate of \$49,995 USD, to be invoiced in four (4) phases as outlined below:
  1. 25% (\$12,498.75 USD) Due at Contract Execution
  2. 25% (\$12,498.75 USD) Due upon receipt of Draft Quantitative Data Report, GIS Report, and Community Risk Assessment
  3. 25% (\$12,498.75 USD) Due upon receipt of Draft Standards of Cover Summary Report
  4. 25% (\$12,498.75 USD) Due upon receipt of Market Study Summary Report

The above includes 2 on-site visits. At the Client's sole discretion, additional onsite work can be accommodated and billed at \$5,000 per consultant per trip.

If, during the term of this Agreement, the scope of the Services to be provided by Consultant is modified or Consultant identifies any unforeseen circumstances that will extend the length of the Services, Consultant shall proactively discuss such issues with Client. In such circumstance, the parties agree to discuss in good faith any necessary modifications to the compensation and Services provided by the Consultant.

Consultant shall submit its invoices to:

ATTN: City of Marquette Michigan  
Finance Department  
300 W. Baraga Avenue  
Marquette, MI 49855  
Attn: Katie Burnette  
Email: [kburnette@marquettemi.gov](mailto:kburnette@marquettemi.gov)

Undisputed invoices are to be paid within 30 days of receipt by Client, unless otherwise mutually agreed in writing by the parties.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/19/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** IS **WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

|                                                                                        |                                                                                                       |                          |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|--------------------------|
| <b>PRODUCER</b><br>Alliant Insurance Services, Inc<br>32 Old Slip<br>New York NY 10005 | <b>CONTACT</b><br>NAME: Mary Busch<br>PHONE (A/C, No, Ext):<br>E-MAIL ADDRESS: Mary.Busch@alliant.com | <b>FAX</b><br>(A/C, No): |
| License#: 0C36861<br>EMPRGRO-01                                                        |                                                                                                       |                          |
| <b>INSURER(S) AFFORDING COVERAGE</b>                                                   |                                                                                                       | <b>NAIC #</b>            |
| INSURER A : Federal Insurance Company                                                  |                                                                                                       | 20281                    |
| INSURER B : Hartford Insurance Group                                                   |                                                                                                       | 914                      |
| INSURER C :                                                                            |                                                                                                       |                          |
| INSURER D :                                                                            |                                                                                                       |                          |
| INSURER E :                                                                            |                                                                                                       |                          |
| INSURER F :                                                                            |                                                                                                       |                          |

**COVERAGES****CERTIFICATE NUMBER:** 231182838**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE                                                                                                                                                                                                                                                                                                      | ADDL INSD                               | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                                                                                                                                                                                                                            |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------|---------------|-------------------------|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A        | <input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b><br><input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR<br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC<br>OTHER: | Y                                       |          | 35996881      | 2/12/2025               | 2/12/2026               | EACH OCCURRENCE \$ 1,000,000<br>DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000<br>MED EXP (Any one person) \$ 10,000<br>PERSONAL & ADV INJURY \$ 1,000,000<br>GENERAL AGGREGATE \$ 2,000,000<br>PRODUCTS - COMP/OP AGG \$ 2,000,000<br>\$ |
| A        | <input type="checkbox"/> <b>AUTOMOBILE LIABILITY</b><br><input type="checkbox"/> ANY AUTO<br><input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS<br><input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY                       |                                         |          | 73583142      | 2/12/2025               | 2/12/2026               | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000<br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$<br>\$                                                                                   |
| A        | <input checked="" type="checkbox"/> <b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR<br><input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE<br>DED <input checked="" type="checkbox"/> RETENTION \$ 0                                                                              |                                         |          | 79889198      | 2/12/2025               | 2/12/2026               | EACH OCCURRENCE \$ 8,000,000<br>AGGREGATE \$ 8,000,000<br>\$                                                                                                                                                                                      |
| B        | <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b><br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)<br>If yes, describe under DESCRIPTION OF OPERATIONS below                                                                                                                          | Y / N<br><input type="checkbox"/> N / A | Y        | 10WECIO6094   | 2/12/2025               | 2/12/2026               | <input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER<br>E.L. EACH ACCIDENT \$ 1,000,000<br>E.L. DISEASE - EA EMPLOYEE \$ 1,000,000<br>E.L. DISEASE - POLICY LIMIT \$ 1,000,000                                         |

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**

City of Marquette is included as Additional Insured with regards to the General Liability as required by written contract subject to the policy terms and conditions. Waiver of Subrogation applies with regards to Workers' Compensation as required by written contract subject to the policy terms and conditions. 30 days notice of cancellation applies, except non payment of premium which is 10 days, with regards to the General Liability, Auto Liability, Workers' Compensation and Umbrella/Excess Liability in accordance with the terms and conditions of the policy.

**CERTIFICATE HOLDER****CANCELLATION**

City of Marquette  
300 W. Baraga Avenue  
Marquette, MI 49855

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**WAIVER OF OUR RIGHT TO RECOVER  
FROM OTHERS ENDORSEMENT**

**Policy Number:** 10 WEC IO6094

**Endorsement Number:**

**Effective Date:** 02/12/25

Effective hour is the same as stated on the Information Page of the policy.

**Named Insured and Address:** EMPRISE GROUP LLC  
PO BOX 170  
PLATTE CITY MO 64079

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule.

This agreement shall not operate directly or indirectly to benefit anyone not named in the Schedule.

**SCHEDULE**

Any person or organization for whom you are required by contract or agreement to obtain this waiver from us. Endorsement is not applicable in KY, NH, NJ or for any MO construction risk

Countersigned by \_\_\_\_\_  
Authorized Representative

**Endorsement**

|                        |                                        |
|------------------------|----------------------------------------|
| <i>Policy Period</i>   | FEBRUARY 12, 2025 TO FEBRUARY 12, 2026 |
| <i>Effective Date</i>  | FEBRUARY 12, 2025                      |
| <i>Policy Number</i>   | 3599-68-81 EUC                         |
| <i>Insured</i>         | THE EMPRIZE GROUP LLC                  |
| <i>Name of Company</i> | FEDERAL INSURANCE COMPANY              |
| <i>Date Issued</i>     | NOVEMBER 14, 2024                      |

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This Endorsement applies to the following forms:

GENERAL LIABILITY

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Under Who Is An Insured, the following provision is added.

**Who Is An Insured****Additional Insured -  
Scheduled Person  
Or Organization**

Persons or organizations shown in the Schedule are **insureds**; but they are **insureds** only if you are obligated pursuant to a contract or agreement to provide them with such insurance as is afforded by this policy.

However, the person or organization is an **insured** only:

- if and then only to the extent the person or organization is described in the Schedule;
- to the extent such contract or agreement requires the person or organization to be afforded status as an **insured**;
- for activities that did not occur, in whole or in part, before the execution of the contract or agreement; and
- with respect to damages, loss, cost or expense for injury or damage to which this insurance applies.

No person or organization is an **insured** under this provision:

- that is more specifically identified under any other provision of the Who Is An Insured section (regardless of any limitation applicable thereto).
  - with respect to any assumption of liability (of another person or organization) by them in a contract or agreement. This limitation does not apply to the liability for damages, loss, cost or expense for injury or damage, to which this insurance applies, that the person or organization would have in the absence of such contract or agreement.
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**Liability Endorsement**  
(continued)

Under Conditions, the following provision is added to the condition titled Other Insurance.

**Conditions**

*Other Insurance –  
Primary, Noncontributory  
Insurance – Scheduled  
Person Or Organization*

If you are obligated, pursuant to a contract or agreement, to provide the person or organization shown in the Schedule with primary insurance such as is afforded by this policy, then in such case this insurance is primary and we will not seek contribution from insurance available to such person or organization.

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**Schedule**

Persons or organizations that you are obligated, pursuant to a contract or agreement, to provide with such insurance as is afforded by this policy.

All other terms and conditions remain unchanged.

Authorized Representative



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## **Conditions**

*(continued)*

### ***Transfer Or Waiver Of Rights Of Recovery Against Others***

We will waive the right of recovery we would otherwise have had against another person or organization, for loss to which this insurance applies, provided the **insured** has waived their rights of recovery against such person or organization in a contract or agreement that is executed before such loss.

To the extent that the **insured**'s rights to recover all or part of any payment made under this insurance have not been waived, those rights are transferred to us. The **insured** must do nothing after loss to impair them. At our request, the **insured** will bring **suit** or transfer those rights to us and help us enforce them.

This condition does not apply to **medical expenses**.

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# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/19/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

|                                                                                                       |                                                                                                                                                                                                                                                                                            |                                                 |
|-------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| <b>PRODUCER</b><br>Alliant Insurance Services, Inc.<br>32 Old Slip<br>New York NY 10005               | <b>CONTACT NAME:</b> James M. DeLauro<br><b>PHONE (A/C, No, Ext):</b><br><b>E-MAIL ADDRESS:</b> James.DeLauro@alliant.com<br><b>INSURER(S) AFFORDING COVERAGE</b><br>INSURER A : Allied World Surplus Lines Ins<br>INSURER B :<br>INSURER C :<br>INSURER D :<br>INSURER E :<br>INSURER F : | <b>FAX (A/C, No):</b><br><b>NAIC #</b><br>24319 |
| <b>INSURED</b><br>Fitch & Associates, LLC<br>Emprize Group, LLC<br>PO Box 170<br>Platte City MO 64079 | EMPRGRO-01                                                                                                                                                                                                                                                                                 |                                                 |

**COVERAGES****CERTIFICATE NUMBER:** 795776719**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE                                                                                                                                                                                                                                                                         | ADDL INSD | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                                                                                                                                                                               |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------|---------------|-------------------------|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|          | <b>COMMERCIAL GENERAL LIABILITY</b><br><input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR<br><br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC<br><input type="checkbox"/> OTHER: |           |          |               |                         |                         | EACH OCCURRENCE<br>DAMAGE TO RENTED PREMISES (Ea occurrence)<br>MED EXP (Any one person)<br>PERSONAL & ADV INJURY<br>GENERAL AGGREGATE<br>PRODUCTS - COMP/OP AGG<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$ |
|          | <b>AUTOMOBILE LIABILITY</b><br><input type="checkbox"/> ANY AUTO<br><input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS<br><input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY                                         |           |          |               |                         |                         | COMBINED SINGLE LIMIT (Ea accident)<br>BODILY INJURY (Per person)<br>BODILY INJURY (Per accident)<br>PROPERTY DAMAGE (Per accident)<br>\$<br>\$<br>\$<br>\$                                          |
|          | <b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR<br><b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE<br>DED <input type="checkbox"/> RETENTION \$                                                                                                                               |           |          |               |                         |                         | EACH OCCURRENCE<br>AGGREGATE<br>\$<br>\$<br>\$                                                                                                                                                       |
|          | <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b><br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y / N<br>(Mandatory in NH)<br>If yes, describe under DESCRIPTION OF OPERATIONS below                                                           |           | N / A    |               |                         |                         | PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/><br>E.L. EACH ACCIDENT<br>E.L. DISEASE - EA EMPLOYEE<br>E.L. DISEASE - POLICY LIMIT<br>\$<br>\$<br>\$                            |
| A        | Professional Liability                                                                                                                                                                                                                                                                    | Y         |          | 0313-7106     | 2/12/2025               | 2/12/2026               | Limit Per Claim:<br>Aggregate Limit:<br>\$3,000,000<br>\$3,000,000                                                                                                                                   |

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES** (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Additional Insured: City of Marquette

**CERTIFICATE HOLDER****CANCELLATION**City of Marquette  
300 W. Baraga Avenue  
Marquette, MI 49855

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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